United Nations S/PV.5058

# Security Council

Fifty-ninth year

*Provisional*

**5058**th meeting

Tuesday, 19 October 2004, 10 a.m.

New York

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| *President:* | Mr. Thomson | (United Kingdom) |
| *Members:* | Algeria | Mr. Baali |
| | Angola | Mr. Lucas |
| | Benin | Mr. Zinsou |
| | Brazil | Mr. Sardenberg |
| | Chile | Mr. Muñoz |
| | China | Mr. Wang Guangya |
| | France | Mr. De La Sablière |
| | Germany | Mr. Pleuger |
| | Pakistan | Mr. Akram |
| | Philippines | Mr. Lacanilao |
| | Romania | Mr. Dumitru |
| | Russian Federation | Mr. Denisov |
| | Spain | Mr. Yáñez-Barnuevo |
| | United States of America | Mrs. Patterson |

## Agenda

The situation in the Middle East

Report of the Secretary-General pursuant to Security Council resolution 1559 (2004) (S/2004/777)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-56017 (E)

*The meeting was called to order at 10.10 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in the Middle East**

**Report of the Secretary-General pursuant to Security Council resolution 1559 (2004) (S/2004/777)**

**The President**: The Security Council will continue its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General pursuant to Security Council resolution 1559 (2004) contained in document S/2004/777. I wish to draw the attention of the members of the Council to document S/2004/794, which contains the text of a letter dated 5 October 2004 from the representative of Lebanon, addressed to the Secretary-General. I also wish to draw attention to document S/2004/796, which contains the text of a note verbale dated 6 October 2004 from the Permanent Mission of the Syrian Arab Republic addressed to the President of the Council.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council welcomes the report of the Secretary-General of 3 October 2004 (S/2004/777) on the implementation of resolution 1559 (2004) of 2 September 2004.

"The Security Council takes note of the letter from the Permanent Representative of Lebanon dated 5 October (S/2004/794) and of the note verbale from the Permanent Mission of the Syrian Arab Republic dated 6 October 2004 (S/2004/796).

"The Security Council reaffirms its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders.

"The Council notes with concern that the requirements set out in resolution 1559 (2004) have not been met, as reported by the Secretary-General. The Council urges relevant parties to implement fully all provisions of this resolution, and welcomes the Secretary-General's readiness to assist the parties in this regard.

"The Security Council appreciates the Secretary-General's intention to keep the Council updated. It requests that he continue to report on the implementation of the resolution to the Council every six months."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/36.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 10.25 a.m.*

United Nations S/PV.5059

# Security Council

Fifty-ninth year

*Provisional*

**5059**th meeting

Tuesday, 19 October 2004, 10.25 a.m.

New York

| | | |
|---|---|---|
| *President:* | Mr. Thomson | (United Kingdom) |
| *Members:* | Algeria | Mr. Benmehidi |
| | Angola | Mr. Gaspar Martins |
| | Benin | Mr. Zinsou |
| | Brazil | Mr. Sardenberg |
| | Chile | Mr. Muñoz |
| | China | Mr. Wang Guangya |
| | France | Mr. De La Sablière |
| | Germany | Mr. Pleuger |
| | Pakistan | Mr. Akram |
| | Philippines | Mr. Baja |
| | Romania | Mr. Motoc |
| | Russian Federation | Mr. Lobach |
| | Spain | Mr. Yáñez-Barnuevo |
| | United States of America | Mr. Rostow |

## Agenda

Threats to international peace and security caused by terrorist acts

Letter dated 15 October 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council (S/2004/820)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-56047 (E)

*The meeting was called to order at 10.25 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**Threats to international peace and security caused by terrorist acts**

**Letter dated 15 October 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council (S/2004/820)**

**The President**: I should like to inform the Council that I have received letters from the representatives of Bangladesh, Canada, Costa Rica, Cuba, Egypt, El Salvador, Fiji, India, Indonesia, Israel, Japan, Republic of Korea, Liechtenstein, Malaysia, Nepal, Netherlands, Nigeria, Peru, Samoa, Switzerland, Thailand, Uganda and Ukraine in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.*

**The President**: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Andrey Denisov, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

It is so decided.

I invite Mr. Andrey Denisov to take a seat at the Council table.

In accordance with the understanding also reached in the Council's prior consultations, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Javier Ruperez, Executive Director of the Counter-Terrorism Executive Directorate.

It is so decided.

I invite Mr. Ruperez to take a seat at the Council table.

The Council will now begin its consideration of the item on its agenda.

The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of members to document S/2004/820, containing the text of a letter dated 15 October 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council.

At this meeting, the Security Council will hear a briefing by Mr. Andrey Denisov, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

I give the floor to Mr. Andrey Denisov.

**Mr. Denisov** (*spoke in Russian*): As Chairman of the Counter-Terrorism Committee (CTC), I should like to brief the Security Council on the Committee's activities over the past three months and to submit to the Council our thirteenth work programme for the next 90-day period, from 1 October to 31 December 2004.

On 8 October 2004, the Security Council adopted resolution 1566 (2004), which not only reconfirmed its commitment to combating terrorism in all its forms and manifestations but formulated clear and practical measures to strengthen the global, coordinated response to this growing threat to peace and security. Charged with the mandate of monitoring the implementation of resolution 1373 (2001), the CTC intends to implement the relevant provisions of resolution 1566 (2004) and to play a leading and more proactive role in reinforcing an effective counter-terrorism framework at the global, regional and national levels. It is from that perspective that we have approached the planning of the Committee's work for the thirteenth 90-day period. Resolution 1566 (2004) clearly prioritized the main tasks of the CTC.

First, it calls for a more coordinated approach by the Security Council to fight terrorism and, in that regard, calls for closer CTC cooperation with other Security Council bodies dealing with different aspects of counter-terrorism. Secondly, we must more actively and effectively strengthen practical cooperation with international, regional and subregional organizations in all areas related to resolution 1373 (2001). Thirdly, mindful of paragraphs 8 and 11 of resolution 1566 (2004), it is vitally important to speed up the revitalization process on the basis of the organizational plan of the Counter-Terrorism Committee Executive Directorate (CTED), in order to enhance the structural and operative capabilities of the Committee. And fourthly, we must step up our efforts to develop direct dialogue and information exchange with Member States on all aspects of the implementation of resolution 1373 (2001) and to facilitate the provision of technical assistance, in particular through the practical organization of the first visits to States with their consent.

The thirteenth 90-day period work programme seeks to build on the main achievements of the CTC during the previous three months. The twelfth work programme marked the beginning of the revitalization process, as set forth in Security Council resolution 1535 (2004), both in terms of consolidating the structure of the new Counter-Terrorism Executive Directorate and of creating new tools to enhance the effectiveness and capability of the Committee to combat the escalating threat from international terrorism. During the period covered by the thirteenth 90-day period work programme, the CTC will have to take further steps in order to finalize the transition to the new organizational structure and will begin to put into practice its new way of working.

On 29 July the Committee endorsed the organizational plan for the CTED that was submitted to the Committee plenary by Mr. Javier Rupérez, Executive Director of the CTED, in consultation with and through the Secretary-General (S/2004/642, annex II, enclosure). The endorsement of the plan by the Security Council on 12 August opened a new phase of the CTC revitalization process. The CTC plenary will continue to maintain close cooperation with the Executive Director of the CTED in order to coordinate our efforts on the practical implementation of the plan, adopted pursuant to Security Council resolution 1535 (2004), and to make the new structure fully operational as soon as possible.

In coordinating and monitoring the implementation of resolution 1373 (2001), the CTC continued to work with Member States by reviewing reports submitted to the Committee pursuant to paragraph 6 of resolution 1373 (2001). Intensive work by the CTC group of experts enabled the Committee to speed up the process of reviewing the reports of Member States. The experts prepared 65 letters in response to reports, and the CTC will take all necessary measures to enable the subcommittees to consider those reports as quickly as possible.

By 30 September 2004, the Committee had received 526 reports from Member States and others. That figure included first reports from the 191 Member States and 6 from others, 160 second reports from Member States and 2 from others, 117 third reports from Member States and 1 from another, and 49 fourth reports from Member States. However, 78 Member States had not submitted their reports on time. Upholding the need for the universal compliance of Member States with the provisions of Security Council resolution 1373 (2001), the CTC reminds the representatives of States that they should submit their reports as soon as possible. The Committee will maintain its course of cooperation and dialogue with Member States and will provide them with the support needed to resolve any problems that may have delayed the submission of their reports.

In line with the provisions of the twelfth 90-day work programme, the Committee continued its efforts to integrate an analysis and assessment of each country's assistance and other needs into the report reviewing process. The CTC approved a guidance document for making those assessments, which, with the consent of the States concerned, can be shared with interested donor States and organizations. The Committee will rely on the assistance assessment process in order to enhance the dialogue with Member States and the donor community with a view to making technical assistance efforts more effective and better adjusted to the real needs of Member States.

Pursuant to resolution 1566 (2004), during the thirteenth 90-day work programme, the CTC, in consultation with the relevant international, regional and subregional organizations and United Nations bodies, will prepare a set of best practices to assist

States in implementing the provisions of Security Council resolution 1373 (2001) related to the financing of terrorism.

The Committee continued to develop a database of needed and available assistance by regularly updating the Directory of Counter-Terrorism Information and Sources of Assistance, and the Assistance Matrix, which contains information on requests by States for assistance and on the assistance offered by potential providers, including international, regional and subregional organizations. On 29 July 2004, the Chairman of the CTC, in a special note, requested all Member States to submit relevant information on a regular basis so that it can be used to update the database and the Assistance Matrix. The provision of that information is a vital tool to help all Member States seeking technical assistance in various fields.

One of the main objectives of the CTC has remained to encourage Member States to become parties to the relevant conventions and protocols related to terrorism, and to implement their provisions in their national legislation, whether or not they are parties to any regional convention related to terrorism. The Committee will continue to regularly monitor the progress of ratification and implementation of those treaties, considering those activities to be key to the contribution of Member States to strengthening the international legal basis for combating and preventing terrorism.

Over the past three months, the CTC has concentrated on the preparation for CTC visits to Member States. Such visits were recognized in Security Council resolution 1535 (2004) as a new tool to help the CTC effectively to fulfil its mandate to monitor implementation of Security Council resolution 1373 (2001). The Committee has adopted general guidelines for conducting CTC visits to Member States and procedures for the preparation, conduct, and evaluation of CTC visits. Pursuant to the provisions of Security Council resolution 1566 (2004), during the period covered by the thirteenth 90-day period work programme the CTC will accelerate the practical preparations for visits to Member States with their consent.

Pursuant to the action plan agreed upon at the special meeting of the Committee held on 6 March 2003, the CTC continued its efforts to facilitate outreach and coordination among a wide array of international, regional and subregional organizations. During the past three months, the CTC has been actively engaged in the preparation for the fourth special meeting of the CTC, working with one regional organization that had expressed an interest in co-hosting the meeting. Taking into account that that organization is unable to follow the practices and procedures that prevailed at previous meetings, the CTC has had to identify another organization to co-host the next meeting. The CTC is continuing consultations with interested organizations, with a view to arranging the fourth regional CTC meeting as soon as possible.

The CTC has been strongly committed to the principle of transparency in its activities. The web page of the Committee has recently been substantially improved and updated. In this regard, I would like to note the special contribution by the Secretariat. The Committee will continue its efforts to enhance its capacity for — and its methods of — communication. There are plans for the Chairmen of the CTC and of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban and associated individuals and entities to give a joint briefing to interested delegations with an emphasis on cooperation between the Committees, including in the exchange of information.

To further the implementation of Security Council resolution 1566 (2004), the Committee will continue its course of closer coordination with United Nations structures dealing with the various aspects of combating and preventing terrorism. The CTC will take further action aimed at strengthening cooperation between the CTC and the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban. The practice of informal coordination meetings of the Chairmen of the two Committees and their experts is expected to be instrumental in consolidating the single approach of the Security Council to combating terrorism. The CTC will also seek appropriate working contacts with the Security Council committee established pursuant to Security Council resolution 1540 (2004) concerning non-proliferation problems in the context of the terrorist threat.

In conclusion, I would like to emphasize that the fight against terrorism needs to be sustained effectively and with dynamism. It requires a consolidated and

wide-ranging multinational response. By strengthening its structural and working capacity, the CTC is determined to continue to play a proactive role and to provide guidance for international cooperation in preventing and combating terrorism, one of the strongest threats to peace and security.

**The President**: I now give the floor to Mr. Javier Rupérez, Executive Director of the Counter-Terrorism Executive Directorate.

**Mr. Rupérez**: First, Mr. President, please allow me to thank you and the other members of the Security Council for the opportunity to address the Council.

As this is the first time I have taken the floor since I have assumed my duties, I would like to take this opportunity to tell the Council of the steps I have taken to put the Counter-Terrorism Executive Directorate in motion. As members know, on 18 May of this year, I had the honour of being appointed Executive Director by the Secretary-General, with the support of the Council, and I officially assumed my duties on 29 June.

In fulfilment of resolution 1535 (2004), on 29 July the Secretary-General presented to the Counter-Terrorism Committee (CTC) my proposed organizational plan for the Executive Directorate. That plan, after due consideration, was endorsed by the Committee and was communicated to the President of the Council on 6 August. The Council approved the plan on 12 August, as Ambassador Denisov has just pointed out. As of that moment, my primary preoccupation was the preparation of the budget and other administrative arrangements to enable the contracting of experts and other personnel who would be integrated into the Executive Directorate. I wish to express my gratitude for the support given to me in that process by the Office of the Secretary-General, the Department of Political Affairs and the human resources and budget offices of the Department of Management, among others. All of them have greatly facilitated my work. I would certainly add the CTC itself and its Chairman, Ambassador Denisov, to my list of thanks, as they have been extremely useful in helping me in my work as Executive Director.

Similarly, I have initiated contacts with international organizations of primary relevance to our future work, such as the International Monetary Fund, the Organization of American States, the Organization for Security and Cooperation in Europe, the African Union, the European Union, the United Nations Office on Drugs and Crime and the International Atomic Energy Agency. At the same time, I have been invited to participate in various forums, which has given me the opportunity to discuss the efforts of the United Nations against terrorism and which has placed the Organization at the centre, where the initiatives put forward by the international community in this regard should converge.

I do not wish to end my statement without giving the Council a brief idea of what the Executive Directorate's first steps will be once it is fully operational. As manifested by the recent adoption of resolutions 1535 (2004), 1540 (2004) and 1566 (2004) by the Council, the fight against terrorism has the preferential attention of the international community. Those resolutions have come to reinforce the measures put forward in resolution 1373 (2001), which can be considered as the cornerstone of United Nations action against terrorism. The Council has been tailoring its actions to the new challenges before it, while reiterating the connection between organized crime or the trafficking of weapons — including weapons of mass destruction — and terrorism, and the need to broaden cooperation not only among Member States, but also with international, regional and subregional organizations.

For those reasons, the Executive Directorate will redouble its efforts to encourage Member States to comply fully with the obligations before them, so that they will be armed with the legal and administrative tools to confront the threat of terrorism, in full conformity to international law. In that regard, dialogue with Member States will be intensified to identify their needs and try to obtain for them the assistance they require. Periodic evaluations and country visits would be a valuable element in orienting our work and obtaining the desired results.

In this task, the action taken by international organizations will play a relevant role, as they can not only help detect the needs of States but also coordinate assistance. It is only in that way that we can begin to close the gap and make more difficult, day by day, the deadly and destructive work of the terrorists. The world expects the United Nations to exercise leadership in the global campaign against this scourge, and I will exert all possible efforts to ensure that the Executive Directorate, which I am honoured to head, is

up to the circumstances and responds fully to the wishes of the international community in this regard.

I wish to conclude by once again expressing my gratitude for the support that I have received from all the members of the CTC, with whom, I trust, I will continue to work in a very close and fruitful manner in this period of transition, and also when the Executive Directorate is fully operational. We have before us a very important task with expectations that we cannot disappoint.

Resolution 1566 (2004), adopted a few days ago by the Council, signalled how urgent it is that the CTED become fully operational. With the valuable cooperation of all Member States, I expect that to become a reality no later than in the first days of the new year.

**The President**: I thank Mr. Rupérez for his very welcome first briefing to the Council.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. In addition to the members of the Council, 23 countries have asked to speak. Therefore, delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to the members of the Council.

**Mr. Muñoz** (Chile) (*spoke in Spanish*): At the outset, I should like to thank Ambassador Andrey Denisov, Permanent Representative of the Russian Federation, for the detailed information he provided us in his capacity as Chairman of the Security Council's Counter-Terrorism Committee (CTC), by relating the activities carried out by the Committee during the past quarter and presenting the thirteenth programme of work, for the period October through December. I should also like to thank Javier Rupérez, Executive Director of the Counter-Terrorism Executive Directorate (CTED), for his briefing. We assure them of our strong support for the CTC programme presented.

Among the relevant activities carried out by the Counter-Terrorism Committee this year, its efforts to make its revitalization process a reality, in conformity with the provisions of resolution 1535 (2004), stand out. That process is moving forward in keeping with the guidelines set out in past quarterly programmes: the Executive Director has already been appointed; the Executive Directorate's organizational plan has been adopted; and, during the current quarter, it is anticipated that the transition to the new structure will be completed. We hope that the new structure will become operational as soon as possible.

Moreover, we have noted the activities carried out by the Executive Director, Ambassador Rupérez, with regard to utilizing the structure of the Executive Directorate as soon as possible, as well as the meetings he has held with various international or regional bodies to establish cooperation and ties that will make it possible to implement various formulas aimed at increasing the counter-terrorism efforts of the international community.

We thank Ambassador Rupérez once again for the information he provided us, and we reaffirm our support for his leadership and for the body under his guidance. We also appreciate the efforts of the CTC's team of experts to expedite the study, evaluation and processing of the reports submitted by Member States in compliance with resolution 1373 (2001) and the preparation of responses. These make it possible to maintain a dialogue between Member States and the Committee, which gives them the support they need to adequately meet their obligations with regard to cooperating in the fight against terror.

Despite the work and dedication of the team of experts, and despite the efforts of the Committee, we must regret — as Ambassador Denisov said — that 78 States did not meet the deadline for submitting reports. That figure reflects an increase of practically 10 per cent compared with the previous quarter. We urge those States that have not yet done so to meet their obligations as soon as possible. We urge countries that are encountering difficulties in meeting the obligations of resolution 1373 (2001) to request the technical assistance that the Committee, international organizations and donor countries stand ready to provide. The Al Qaeda/Taliban sanctions committee received various requests from Member States during the visits that I, as its Chairman, made with the other members, and we are bringing those requests to the attention of the CTC.

We should like to reiterate that the fight against terrorism requires perseverance, dedication and

persistence in the coordination and integration of efforts, since terrorism continues to be one of the gravest threats to international peace and security. Regrettably, the terrorist attacks perpetrated in the past two months increasingly confirm this. The world has witnessed the horrific scenes from the reprehensible attacks in the Moscow subway and in an educational facility in Beslan, in the downing of two aircraft in the Russian Federation and in the attacks on a mosque in Pakistan and on a tourist centre in Taba, Egypt. In all of those cases, tens or hundreds of people suffered the tragic consequences of such criminal acts: children, the faithful or tourists were innocent victims. That is why such criminal acts oblige us to redouble our efforts, to persist in our objective and to fight tirelessly against this grave threat.

We must maintain the Security Council's resolve to act in unison against terrorism. We can do that only with the necessary cooperation of States and competent organizations. We must therefore reiterate and emphasize the appeal to States that are not yet parties to international treaties on counter-terrorism to become parties to them and to implement legislation relevant to their effective application.

United in cooperation in the fight against terrorism has also been reflected in the cooperative work carried out between the CTC and the Al Qaeda/Taliban sanctions committee, which I chair. In addition to compliance with the provisions of Security Council resolutions aimed at increasing cooperation, we know the value of being able to share information when working in our respective areas. Therefore, we have held meetings between the Chairmen and with the expert teams of both Committees. In addition, we have studied ways in which to share information from the databases being developed, and we have coordinated the holding of monthly meetings among the experts. Moreover, as Ambassador Denisov informed us, both Chairmen have planned to hold an informational meeting with Member States to inform them of the work being done by the Committees.

In conclusion, I should like briefly to refer to resolution 1566 (2004), adopted recently by the Security Council, which is a new step in the fight against terrorism. In that connection, our delegation would like to emphasize the following: first, our reaffirmation of the imperative of combating terrorism in all its forms and manifestations; secondly, the Council's concern for the victims of terrorist acts; and thirdly, the appeal to cooperate with the work of the Security Council Committees established pursuant to resolutions 1267 (1999) and 1540 (2004) — which are acting in coordination, albeit with different mandates and objectives — and to study new measures to be adopted in the fight against terror. Such measures must conform to international law, particularly the norms of due respect for human rights, the rights of refugees and humanitarian law.

In sum, in shouldering our responsibilities under the relevant resolutions we have adopted, we must deny any possibility of cooperation and support to those who seek, through terror, to make their intolerant or extremist views prevail over the individual rights of persons and the collective rights of States to live in peace and security.

**Mr. Baja** (Philippines): I would like to thank the Chairman of the Counter-Terrorism Committee (CTC), Ambassador Denisov, for his comprehensive briefing on the activities of the Committee over the past three months and for the report of the Committee on its 13th 90-day work programme, covering from 1 October to the end of the year.

Almost three years ago the Security Council adopted resolution 1373 (2001), which gave birth to the CTC in the aftermath of the trauma of 11 September 2001. In our view, the scourge of terrorism remains one of the defining threats to international peace and security of the twenty-first century. The Council has harnessed the efforts of Member States to fight this menace through the mechanisms of resolution 1373 (2001), which has served as the fulcrum for the Council in the fight against terrorism. Earlier this year, we sought to revitalize the work of the CTC through resolution 1535 (2004) and the establishment of the Counter-Terrorism Executive Directorate (CTED). We hope to see the CTED, under the leadership of Javier Rupérez, activated as soon as possible, despite the considerable bureaucratic process that will be required if it is to get into full operation.

We are also grateful to Ambassador Rupérez for his briefing on activities undertaken so far by the CTED and for the future plan of action and objectives, which we support. We are pleased that the Council has again demonstrated its unity and resolve against the enemies of peace by adopting, two weeks ago, resolution 1566 (2004). That resolution will further add substance and texture to the Council's efforts in

implementing practical measures against individuals and groups that are engaged in terror throughout the world.

We are pleased that the Council was unequivocal in its conviction that, while we should not undermine the rights and prerogatives enshrined in the Charter, criminal acts against civilians can never be justified by the purported nobility of the motivation for or rationalization of such acts. The protection of innocent civilians, especially women and children, is a primordial value which the Council will preserve at all times.

We welcome the strategy set out by Ambassador Denisov as the CTC identifies efforts to achieve the goals set out in resolutions 1373 (2001) and 1566 (2004). It is critically important for all Council bodies dealing with international terrorism to ensure close coordination and cooperation in pursuing their respective mandates. Their functions and methods may differ, but they are undivided and certain in their mission to root out terror.

We support the idea that, in its activities, the CTC should actively and effectively strengthen practical cooperation with international, regional and subregional organizations in all areas related to resolution 1373 (2001). We also agree that efforts must be stepped up to develop direct dialogue and information exchange with Member States on all aspects of the implementation of resolution 1373 (2001).

A growing number of States — 68 to date, as Ambassador Denisov said — are unable to submit their reports to the CTC on time. The Committee should look into the reasons for that alarming trend. We suspect that it is caused by the lack of capacity of States to comply with the high standards that the CTC may be setting for them. The Committee should redouble its efforts to provide technical assistance to States to enable them to comply with the provisions of resolution 1373 (2001). The Committee must go beyond its "switchboard orientation" in directing States with regard to where to seek help and become involved in the assessment and the effective programmes on how States could be assisted in specific areas to enable them to implement the requirements of resolution 1373 (2001).

One important initiative in helping the CTC to pursue its mandate effectively is the visits that will be undertaken to Member States to monitor the implementation of resolution 1373 (2001) and to engage in dialogue on States' technical and other assistance needs. Aside from that initiative, the CTC should consider innovations to further enhance international cooperation in the fight against terrorism. Given the difficulties faced by some States in their individual attempts to implement the provisions of the resolution, the possibility of a regional approach among neighbouring States could also be looked into. This approach made great sense in such areas as border control among States that share common borders and frontiers. Such States may be further encouraged to establish among themselves early-warning systems and mutual legal assistance mechanisms, which could help develop strong synergy in the fight against terrorism.

I would like to conclude by emphasizing — as I did in the Council's public meetings on this issue in March and July — that the global effort against terrorism requires the Security Council and the rest of the membership of the United Nations to remain committed partners if success is to be achieved in eradicating the scourge of terrorism. It is our hope that that will embody our shared goal as we move ahead in that endeavour.

**Mr. Wang Guangya** (China) (*spoke in Chinese*): I should like first of all to thank the Chairman of the Counter-Terrorism Committee (CTC), Ambassador Denisov, and the Executive Director of the Counter-Terrorism Executive Directorate (CTED), Ambassador Rupérez, for their briefings. I would like to express our appreciation to Ambassador Denisov for the effective work of the CTC under his leadership. We welcome the 13th 90-day work programme of the CTC.

I would like to make three brief comments. First, we support the efforts to reform and revitalize the CTC. We believe that it strengthens the central role of the Security Council in international cooperation to combat terrorism. We welcome resolution 1566 (2004), which the Council recently adopted. We also hope that the organizational plan of the CTED will be put into operation as soon as possible.

Secondly, China appreciates the fact that the CTC has done a great deal of work in evaluating Member States' assistance needs in combating terrorism. We welcome the fact that the CTC sent missions to visit the States concerned so as to learn on the ground about the situation of those States with regard to the

implementation of resolution 1373 (2001). China has already submitted its report to the CTC concerning our assistance needs and has provided information about the assistance that we are able to provide to others in the fight against terrorism. China would like to engage in cooperation with all other parties in that respect.

Thirdly, China appreciates the fact that the CTC is continuing to adhere to the operational principle of openness and transparency. We welcome the fact that the CTC has strengthened its cooperation with the relevant international, regional and subregional organizations and United Nations agencies. We also hope that the CTC will coordinate and communicate with the working group to be established by the Security Council pursuant to resolution 1566 (2004).

**The President**: I thank the representative of China for his admirably concise statement.

**Mr. Pleuger** (Germany): Like other delegations, we would like to thank the Chairman of the Counter-Terrorism Committee (CTC), Ambassador Denisov, for his detailed and substantial briefing, which my delegation fully endorses. We express our appreciation to him for the able way in which he has been conducting the CTC's work for almost three months now. We also thank the Executive Director of the Counter-Terrorism Committee Executive Directorate, Mr. Rupérez, for his report on the establishment of the Executive Directorate and for his efforts to make it fully operational.

As Germany fully subscribes to the forthcoming statement by Ambassador van den Berg on behalf of the Dutch Presidency of the European Union, I would like to limit my intervention to the following points.

Recent terrorist attacks in Egypt, Pakistan and Russia remind us that the terrorist threat remains real and global. The tragic loss of hundreds of innocent victims, many of them children, has deepened our grief, and has at the same time strengthened our resolve to intensify our common efforts in countering the terrorist scourge.

Eleven days ago, the Security Council unanimously adopted resolution 1566 (2004), thereby making it clear that the United Nations remains at the heart of the global counter-terrorism effort. In particular, the new resolution reaffirms that it is the United Nations Charter and international law, including international human rights, refugee and humanitarian law, as well as the 12 United Nations conventions and protocols relating to terrorism, which constitute the basic legal framework of counter-terrorism worldwide.

Resolution 1566 (2004) highlights the special role of the Counter-Terrorism Committee (CTC) in that context and tasks the CTC and its new Executive Directorate with becoming more proactive in their dialogue and interaction with States and international organizations, in coordination with other relevant United Nations bodies, such as the Al Qaeda/Taliban sanctions Committee and the Committee established pursuant to resolution 1540 (2004). As the Chairman outlined, the CTC has proposed a variety of means of interaction in its new work plan. Interested States can contact the CTC's subcommittees or its able expert team and, hopefully very soon, a fully functional Executive Directorate. States should, in our view, also play a more active part in the monthly briefings offered by the Chairman. They could consider the possibility of inviting the CTC for a visit to discuss all aspects of resolution 1373 (2001), including possible technical assistance needs. That instrument of visits to States with their consent should also be useful in adapting the reporting process to the specific situation on the ground, since future State reports could be conceived as a follow-up to the issues raised during such visits.

Resolution 1566 (2004), in paragraph 6, calls upon international organizations to intensify their interaction with the United Nations and, in particular, with the CTC. In that context, I am pleased to note that Interpol is at present in the process of establishing a liaison office with the United Nations here in New York. The office will be headed by an experienced law enforcement expert, Mr. Ulrich Kersten, who until recently served as the president of the German Federal Office of Criminal Investigation. We are convinced that Interpol's presence in New York will be of mutual benefit to Interpol and to all United Nations bodies dealing with law enforcement and counter-terrorism issues.

To conclude, let me reaffirm Germany's conviction that the best way to promote implementation of resolution 1566 (2004) is to ensure its broadest acceptance by all States Members of the United Nations with a view to securing their active cooperation. Here I fully agree with what the representative of the Philippines has just said. In particular, the new working group foreseen in paragraph 9 should be open to interacting with and

receiving input from interested United Nations Member States, as well as from relevant United Nations bodies and international organizations. Such an open and transparent process would both improve the quality of United Nations counter-terrorism action and strengthen the political and judicial coherence of the global counter-terrorism coalition.

**Mr. Yáñez-Barnuevo** (Spain) (*spoke in Spanish*): Today's open debate on threats to international peace and security caused by terrorist acts is not just one more Security Council debate to review the work of the Counter-Terrorism Committee (CTC). Rather, it is of particular importance, as this is the first time we are taking up this important topic since the adoption on 8 October of resolution 1566 (2004).

I should like at the outset to say that Spain entirely supports the statement that will be made by the representative of the Netherlands on behalf of the European Union.

I would like to express my country's appreciation for the work carried out by the Russian Federation in the chairmanship of the CTC. Spain bore that responsibility until April 2004, and we are well aware of the difficulties and tremendous workload it involves. Accordingly, we reiterate our support for Ambassador Denisov and the entire team from the Permanent Mission of the Russian Federation to the United Nations.

Let me turn to the question of technical assistance, which should be one of the pillars of our work. Effective systems must be in place to enable us to get concrete, practical and visible results. While much remains to be done, we must acknowledge the accomplishments to date of the current CTC Chairman and of the Executive Director, Mr. Rupérez, whom we would particularly like to thank for his contribution to today's debate. It is also necessary to intensify cooperation between the CTC and international, regional and subregional organizations. We praise the Chairman for the way in which he has handled the difficulties that arose with regard to preparations for the fourth special meeting between the CTC and such organizations. We hope that the meeting will take place as soon as possible so that the special meetings can continue to be held on schedule. We would also like to welcome the information just presented by the representative of Germany on cooperation between the CTC and Interpol.

With regard to the work of the CTC itself, we would like to emphasize that it is experiencing a sensitive period of transition. The adoption of resolution 1535 (2004), which set up the Executive Directorate, represented decisive progress towards providing the CTC, and thus the Security Council, with an effective tool to implement the provisions of resolution 1373 (2001). For it to be fully implemented, however, an entire compendium of measures, particularly financial and budgetary measures, must be adopted, and we hope that they will soon be adopted by the General Assembly.

Emphasis must also be given to the new mechanism of CTC visits to Member States, under the conditions stipulated in resolution 1535 (2004). Those visits should make it possible to assess the degree to which resolution 1373 (2001) has been implemented by Member States and should provide a basis for determining what technical assistance approaches could help solve problems that are detected.

One of the fundamental criteria for the work of the CTC is transparency, and today's debate is one of its most important expressions. That principle should be strengthened not only by continuing the Committee's open briefings for all Member States, but also by studying other ways to help strengthen the universal commitment to combating terrorism. In this connection, the Security Council working group recently established to consider recommendations on practical counter-terrorism measures should operate in the most open and participatory way possible.

Just as all acts of terrorism are criminal and unjustifiable, whatever may be their motive and whoever may have committed them, all victims of terrorist acts deserve equal consideration. Concern for victims must be at the core of our conduct, not only in the CTC and the Security Council, but also in the United Nations as a whole. Accordingly we are pleased that resolution 1566 (2004) expressly includes the possibility of setting up an international fund to compensate victims of terrorist acts and their families and the possibility that that fund could be financed, at least in part, with assets confiscated from terrorist organizations and their members and sponsors.

Also, we must not forget that in this struggle shared by all, respect for international law — in particular international human rights standards, the rights of refugees and human rights — is not only

imperative in the fight against terrorism, but also comprises the most efficient tool to be used by the international community to reaffirm its legitimacy in the face of the terrorist threat.

I should like to emphasize that my country has learned to fight terrorism with methods including the rule of law, the strengthening of democracy and full respect for human rights. I can assure the Council that Spain will always be on the front line with the United Nations to help eradicate the scourge that afflicts us all by means of multilateral action that is firmly based upon international legality.

**Mr. Sardenberg** (Brazil): I would like to thank the Chairman of the Counter-Terrorism Committee (CTC), Ambassador Andrey Denisov, for his comprehensive presentation about the work of the Committee. As a member of the Bureau, I wish to associate myself with his words — that will help me shorten my comments. I also express appreciation to the Executive Director of the Counter-Terrorism Executive Directorate (CTED), Ambassador Javier Rupérez, for his statement.

Brazil participated in the consensus regarding the adoption of resolution 1566 (2004) this year in view of our firm commitment to counter-terrorism in all its forms and manifestations. That guiding principle of Brazilian foreign policy is, since 1988, a constitutional provision in Brazil. As we see it, no cause may justify attacks against innocent people. I wish to reiterate our deepest sympathies to the families of the victims of terrorist attacks.

In our view, one of the most relevant tasks of the United Nations consists in fostering a coordinated response from the international community to terrorism. In that context, the most important roles of the CTC and the CTED are to persuade countries that it is in their own interest to take advantage of the valuable sources of cooperation made available to help them prepare to counter terrorism. It is also the obligation of the CTC and CTED not only to facilitate the actual offering of cooperation, but also to make sure that the assistance provided by third parties to the countries through the CTC is fully satisfactory. In our view, the CTC and the CTED are structured and designed mainly to shelter States that are willing to cooperate but that are, for various reasons, unable to do so.

The CTC, and by extension the CTED, is not to be likened to a sanctions committee. Therefore, we would not only welcome but also strongly recommend that all United Nations Members examine the possibility of approaching the CTC and the CTED in order to discuss possibilities and modalities for increasing cooperation.

I wish to reiterate our view that the current practice of the Council is one of excessive resort to the use of Chapter VII of the Charter. In our view, by limiting recourse to the provisions of Chapter VII to the situations in which they are clearly called for, the members of the Council would be strengthening their commitment to both the spirit and the letter of the Charter.

The fact that the entire operative part of resolution 1566 (2004) remains under Chapter VII suggests that not enough emphasis was given to the possibilities made available by international cooperative action. Such tendencies are, in our opinion, both unnecessary and counter-productive, since the potential for cooperation in the CTC and the CTED are still quite underutilized.

It is a matter of specific concern that the appeal to Member States to negotiate the terms of international conventions is made under Chapter VII. During the negotiations, that point was raised by other delegations as well. In our view, no constraints should be imposed on States' freedom to negotiate.

I would like to make brief comments on the following specific issues. Defining terrorism falls under the functions and powers of the General Assembly, as foreseen in the Charter. In our view, resolution 1566 (2004) reflects compromise language that contains a clear important political message, but it is not an attempt to define the concept of terrorism.

Brazil supports the establishment of an intergovernmental working group to consider possible measures regarding individuals, groups or entities involved in or associated with terrorist activities not encompassed by resolution 1267 (1999), regarding Al Qaeda and the Taliban, as foreseen in resolution 1566 (2004).

In the absence of a common view on terrorism, the development of a consolidated list of individuals and organizations classified as terrorists could lead to a

politicization of the body and of the entire international campaign against terrorism.

We welcome all efforts to bring about transparency in the work of the CTC, and especially in the activities of the working group. The monthly briefings of the presidency of the CTC will constitute a most welcome opportunity for Member States to follow that process. The work of the working group is to be carried out within the framework foreseen in resolutions 1373 (2001), 1535 (2004) and 1566 (2004). It is also our understanding that the need to observe the provisions of international law and due process should be taken into account during that process.

Finally, as regards a fund to compensate victims of terrorism, if such a fund is to be created, we would prefer that its resources, based on voluntary contributions, be directed to victims in developing countries. In addition, it must be pointed out that expropriation of assets must also be subject to the rule of law and due process.

**Mr. Akram** (Pakistan): I would like to join other members of the Council in thanking Ambassador Denisov, Chairman of the Counter-Terrorism Committee (CTC), for presenting the thirteenth 90-day work programme of the CTC and for his briefing on the work of the Committee during the last quarter. We greatly appreciate his leadership of the CTC. I would also like to thank Ambassador Rupérez, Executive Director of the Counter-Terrorism Executive Directorate (CTED), for his report to the Council today.

We appreciate the opportunity offered by today's meeting to reflect on the course of action that we have taken so far in countering terrorism and to plan for the future.

Pakistan remains committed to the fight against terrorism. Terrorism continues to pose serious challenges to every one of us. The increase in terrorist incidents in different places in the world in recent months, including the terrorist attacks in several Pakistani cities, shows that the terrorist threat is pervasive and that it is real.

We have noted the work done during the last three months and the Committee's plans for the next three months. We share the Chairman's view that the fight against terrorism needs to be sustained effectively and with dynamism. We also share his view that it requires a consolidated and wide-ranging multinational response.

In the context of our discussions today I would like to offer a few comments on the work of the CTC. First, we urge that reports be submitted by all States whose reports are outstanding. Secondly, we have noted the CTC's commitment to promote transparency in its work. We would like to underline that it would remain important for the CTC to find ways and means to associate non-members of the Security Council and of the Committee with the work of the CTC.

Thirdly, we believe that the Committee should remain committed to enhancing the capacity of States to counter terrorism. We are encouraged that the thirteenth work programme says that "facilitation of the provision of technical assistance would remain one of the fundamental commitments of the CTC". Such technical assistance should be relevant to the needs of each country. We hope that the CTC will play a more active role in generating support for such technical assistance, which so far has remained mostly bilateral in nature.

The proposed visits to States, with their consent, under resolution 1535 (2004) should focus not only on promoting cooperation and dialogue but mainly on facilitating the provision of technical assistance to States that may require it.

We noted that the CTC is continuing consultations with the interested regional and international organizations. Mr. Rupérez has listed some of those organizations. We would suggest that close cooperation should also be established with the Organization of the Islamic Conference. We believe that such cooperation would be mutually beneficial.

Mr. Rupérez has also reported on efforts to ensure full operational status for the Counter-Terrorism Executive Directorate (CTED). We hope that the staffing for the Directorate would be on as wide a geographical basis as possible, as provided for in operative paragraph 4 of resolution 1535 (2004). In our view, the Directorate should particularly seek out experts from the Islamic countries.

I shall make a few comments on resolution 1566 (2004). First, we believe that the consensus adoption of resolution 1566 (2004), initiated by the Russian Federation, has sent a clear signal on the unity

of the Council in the fight against terrorism. We need to maintain and to build on that unity.

Secondly, the counter-terrorism measures to be considered by the working group under operative paragraph 9 of resolution 1566 (2004) should be in conformity with the principles of international law, human rights and international humanitarian law. In our view, measures could be considered and imposed on a case-by-case basis for those involved in terrorism.

We also note that operative paragraph 3 of the resolution mentions certain acts "which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism ...". A legal and internationally agreed definition of terrorism still needs to be developed, and we hope that will be done by the General Assembly.

As the United Nations has decided in the past that a distinction should be maintained between terrorism and the right of peoples to self-determination, the United Nations should not and cannot reverse its historical support for peoples and nations struggling for liberation from foreign occupation and alien domination.

We also welcome the reference in the preamble of resolution 1566 (2004) to the underlying causes of terrorism. It provides a good basis for evolving a long-term strategy to broaden our focus in the fight against terrorism. Such a strategy should focus on the root causes of terrorism, such as political injustice, non-resolution of long-standing disputes, denial or violation of human rights, including the right of self-determination, and pervasive poverty and socio-economic injustice, which provide fertile breeding ground for terrorism.

We will recommend a United Nations study on the root causes of terrorism and the development of a long-term strategy to address that scourge. In that context, we draw attention to the strategy of enlightened moderation, which has been outlined by President Musharraf of Pakistan, to avoid the danger of a clash of cultures and to promote socio-economic renaissance and political justice for all peoples, especially the peoples of the Islamic world.

**Mr. De La Sablière** (France) (spoke in French): First, I want to thank Ambassador Denisov, Chairman of the Counter-Terrorism Committee (CTC), for his report to the Council and to tell him how greatly we appreciate his action as Chairman of the Committee. In addition, I join in support of the statement to be made during our debate by the representative of the Netherlands on behalf of the European Union.

Less than two weeks after the unanimous adoption of resolution 1566 (2004), we are meeting once again to discuss our action against one of the most serious threats to international peace and security-terrorism.

France fully associates itself with the report presented by Ambassador Denisov as Chairman of the Committee. He has submitted an ambitious work programme for the coming months and we believe that its priorities are well defined. We are also pleased to have heard the Committee's Executive Director for the first time. His presentation reinforces the usefulness of these public meetings, intended to inform all Member States of the progress in our work.

Mr. Rupérez referred to the contacts he has made to enhance coordination with other United Nations programmes and agencies, in particular the United Nations Office on Drugs and Crime, in Vienna, as well as with regional and financial institutions. We thank him for taking those steps. He described the various stages covered in providing the Executive Directorate with the necessary resources for its action pursuant to resolution 1535 (2004).

As the Council requested in resolution 1566 (2004), we hope that the Executive Directorate will rapidly become fully operational. To that end, we the Member States, must quickly give it the necessary resources. We are then counting on the Executive Director to recruit highly qualified experts as soon as possible. We note with satisfaction that the organization of services proposed by Mr. Rupérez for the CTC will enable its effective work based on good knowledge of all regions and on expertise in all areas of fighting terrorism, including respect for human rights.

Among the new tasks for the Counter-Terrorism Committee, my country considers that preparations for the initial visits to the field are a top priority. We believe that such visits will lead to a better assessment of the situation and make the dialogue between the CTC and States more operational and more useful. The initial visits should take place in those countries where the needs for complying with resolution 1373 (2001) appear to be the greatest. The visits should lead to

recommendations, including technical assistance, if necessary.

Resolution 1566 (2004) has enhanced the role of the Counter-Terrorism Committee. With the support of the Executive Directorate, next year it should commit itself to even more concrete work in monitoring and guiding implementation of resolution 1373 (2001) by all States. In that way, it will contribute to the effectiveness of our collective action against terrorism.

**Mr. Motoc** (Romania): I join others in thanking Ambassador Denisov for his comprehensive presentation of the work and the priorities of the Counter-Terrorism Committee (CTC) in the coming period. I take this opportunity to congratulate him on his assumption of the CTC chairmanship and wish him every success in his undertakings. I also wish to acknowledge the stewardship that Ambassador Rupérez demonstrated at the helm of the Counter-Terrorism Executive Directorate.

Since Romania aligns itself with the statement to be delivered shortly by Ambassador van den Berg of the Netherlands on behalf of the European Union, I shall confine myself to a few brief remarks of a complementary nature.

A significant number of timely and important initiatives in the fight against terrorism have been taken by the Security Council since Romania became a member of this body at the beginning of this year. Romania was among the most active participants in fostering successive initiatives: the process of revitalizing the Counter-Terrorism Committee (CTC), which culminated in the adoption of resolution 1535 (2004); the establishment of the 1540 (2004) Committee; and, just recently, the adoption of resolution 1566 (2004). Romania supported the recent strong drive towards increased interaction between the subsidiary bodies of the Security Council established under resolutions 1267 (1999), 1373 (2001) and 1540 (2004).

As a consequence, new instruments are now available for the Security Council to deliver on expectations related to countering the increasingly ominous threat of terrorism. Over the coming period, however, much remains to be done to get that machinery fully operational and running. The endorsement of the organizational plan of the Counter-Terrorism Executive Directorate (CTED) by the Security Council on 12 August should be followed, as a matter of priority, by the approval of its budget by the Fifth Committee. Similarly, the 1540 (2004) Committee got a partial approval of the requested funding for the first experts it needs to hire to allow proper consideration of the first national reports to be submitted by States Members of the United Nations pursuant to resolution 1540 (2004). Those two instances reveal a more profound need to improve the system's ability to respond to priorities, as the people we serve see them at present. The concrete elements related to the future activity of the working group established pursuant to resolution 1566 (2004) are still to be discussed and agreed upon among Security Council members. Nonetheless, we trust that what matters most — the political will needed to speedily carry forward those processes — is soundly secured.

Our debate today and our work in those areas in general take place against the backdrop of an unprecedented surge in terrorists' activity. Their reckless acts are intensifying, growing in horror, claiming more victims and affecting more countries and regions than ever before. Terrorists do not pause and therefore neither should we.

Romania fully shares in the sense of urgency bearing on the finalization of all ongoing processes aimed at strengthening the response which the United Nations is capable of giving to terror. We definitely need both the additional support expected from the CTED, as well as a new set of practical measures to be impressed upon all those involved in, or associated with, terrorist activities, as provided for in resolution 1566 (2004).

At the same time, strengthening cooperation and coordination among what we can call the "borderless" subsidiary bodies of the Security Council — the CTC and the Committees established pursuant to resolutions 1267 (1999) and 1540 (2004), each dealing with specific aspects of the global fight against terrorism — is vitally essential for ensuring a coherent and proactive approach of the Council in combating terrorism. Romania welcomes the important steps already taken in that direction by the Chairmen of the CTC and the 1267 (1999) Committee. I also stand ready, for my part, to join in those efforts in my capacity as Chairman of the 1540 (2004) Committee.

For sure, the CTC cannot afford to keep its activity at a lower pace throughout the current transitional phase, which is to end at the moment

CTED becomes fully operational. Its work, in particular on monitoring the implementation of resolution 1373 (2001), has to continue at the same pace, for it is apparent that States continue to face significant difficulties in that process.

One relevant indicator in that regard is the continuous increase in the number of States which are late in submitting their reports, over a third of United Nations Member States now being in that position. That is a worrying situation that, on the other hand, is a strong incentive for the CTC to make facilitation of technical assistance to Member States a top priority for the near future. On-site visits by the CTC should be pursued as a valuable development in that respect.

The signature, ratification and full implementation of all relevant United Nations conventions and protocols relating to terrorism are also essential components in the implementation of resolution 1373 (2001). Resolution 1566 (2004) reiterates the call on all States to become parties, as a matter of urgency, to all those legal instruments. Romania is among those Member States that have gone all the way through the process. We have already transposed an important part of their provisions into our national legislation. In that context, I am very proud that today my delegation is joined at these proceedings by a group of legislators from Romania, representing the national delegation to the Inter-Parliamentary Union.

Finally, I would like to reiterate our commendation of the Russian delegation for its timely initiative embodied in resolution 1566 (2004), a document of clear added value in the global fight against terrorism. The clear prioritization of the CTC's tasks and delivering on the far-reaching goals set out by the resolution are important steps forward in that major endeavour.

**Mr. Zinsou** (Benin) (*spoke in French*): I wish to thank Ambassador Denisov for his briefing and Mr. Ruperez for his contribution to today's debate.

Since 11 September 2001, the entire world has accurately assessed the threat that terrorism poses to international peace and security. It has become clear that terrorism is a global threat that requires all States to mobilize. I reiterate here Benin's firm commitment to the international community's tireless anti-terrorism efforts. Terrorism challenges States to be constantly vigilant with a view to having some forewarning of its horrendous deeds and to taking appropriate measures, in cooperation with other States, to counter them and to avoid incalculable damage to their vital interests.

The foremost example of the international community's common response to that challenge was the adoption of resolution 1373 (2001), to be followed up by the Counter-Terrorism Committee (CTC). We welcome the many diverse steps taken by the CTC in that regard. In its three years of existence, the CTC has demonstrated its genuine ability to orient the activities of Member States towards the implementation of the Security Council's resolutions. We must acknowledge, however, that despite the efforts States have made to date in the context of the collective security system laid down by the Charter, terrorism remains active. It has diversified its activities and mocks the vigilance of States.

The CTC's consideration of ways to strengthen States' capacity to act has allowed the Security Council to adopt new measures to revitalize itself and to reinforce the legitimacy of United Nations action in that connection. In establishing the Counter-Terrorism Executive Directorate, the CTC has given itself an efficient tool for effectively discharging the mission entrusted to it.

With regard to the activities undertaken during the previous quarter, we note that the CTC has continued to be productive despite the constraints inherent in the transitional phase in which it currently finds itself. That was due to the dynamism of the Russian delegation at the head of the Committee and to the work of the new Executive Director and the Committee's experts. With regard to the praiseworthy progress made in establishing the Executive Directorate, we have no doubt that that body will become fully operational in the timeframe established by resolution 1535 (2004).

My delegation welcomes the adoption of important guidelines on such sensitive issues as Committee visits to Member States and assessing the assistance needs of countries in combating terrorism. We believe that the improvement envisaged in the area of identifying assistance needs is a good way of ensuring that the needs of beneficiary States and the assistance provided to them to combat terrorism will be better aligned. We also believe that the guidelines will also strengthen the worldwide consensus against terrorism. As we emphasized at the time of the

adoption of resolution 1566 (2004), we believe that that consensus can be maintained only if combating terrorism takes place in the context of respect for the sovereignty of States and observance of international law, international humanitarian law and human rights.

My delegation welcomes the reiterated commitment of the Committee to promote that principle. It is on that basis that we encourage all States to cooperate closely with the Committee and to fully join the international framework for cooperation that has been established by international conventions to combat terrorism and organized crime. We also encourage the Committee to strengthen cooperation with other relevant international institutions, with a view to creating synergy and tightening the net against terrorism.

But the fact remains that the effectiveness of the fight against terrorism cannot be guaranteed unless we devote all the necessary attention to resolving international problems and settling conflicts. It is the continuation of such conflicts that generates despair and rebellion, which provide fertile ground for terrorism. Moreover, we must ensure that there is no tendency towards antagonism between religions. The culture of tolerance and dialogue among civilizations is today as essential as tracking down terrorists. There is a need for stronger commitment in that regard on the part of the United Nations.

**Mr. Benmehidi** (Algeria) (spoke in French): I would like, first of all, to thank Ambassador Andrey Denisov for his excellent briefing and for his efforts to strengthen the mission of the Counter-Terrorism Committee (CTC) in order to enable it to discharge its responsibilities fully. I would also like to welcome Mr. Rupérez and to thank him for his presentation.

We hope that after completing its thirteenth work programme — which we support — the CTC will carry out the final phase of its revitalization, as envisaged in resolution 1535 (2004). We also hope that it will begin to intensify its efforts to make the Executive Directorate fully operational. The twelfth work programme of the CTC marked the start of the implementation of the revitalization process. We therefore welcome the approval, first in plenary meeting of the CTC and subsequently by the Security Council, of the organizational plan for the Executive Directorate that was submitted by Ambassador Rupérez. We encourage the CTC to further strengthen its cooperation with the Executive Directorate in order to coordinate efforts to implement the organizational plan and to make the Directorate fully operational as early as possible.

Moreover, we encourage the CTC to strengthen its communication strategy with Member States. On 19 July, my delegation energetically encouraged the Counter-Terrorism Committee to develop new ways to cooperate with the Committee established to combat Al Qaeda and the Taliban. It is for that reason that we welcome the plan being contemplated to carry out joint meetings between the Chairmen of the two Committees.

We note with satisfaction that during the last quarter the CTC effectively dedicated itself to preparing consensual visits to selected States, as envisaged by resolution 1535 (2004). Those visits are likely to strengthen follow-up in the implementation of resolution 1373 (2001) and to promote the establishment of direct dialogue with the authorities of the States concerned. On 19 July my delegation supported and encouraged such visits and underscored the importance of proper preparation and a clear and precise road map for the objectives to be achieved. Today, we welcome the fact that the CTC has adopted general guidelines and procedures for the preparation, carrying out and assessment of those visits. Visits are an instrument that are likely to better enable the Committee to carry out its tasks pursuant to the relevant resolutions.

We also note with satisfaction the work done by CTC experts in considering the reports submitted by Member States. We note the increase in the number of reports submitted, but would also like to point out that 78 States have yet to submit their reports in the time prescribed. We therefore encourage States to submit their reports. We also urge the Committee to adopt a proactive approach employing dialogue and cooperation and to provide States that desire it the assistance they need.

In addition, my delegation welcomes the Security Council's unanimous adoption of resolution 1566 (2004) on 8 October. Above and beyond the Council's renewal of its commitment to combat terrorism in all its forms and manifestations, that resolution put forth practical measures to enhance the international community's broad and coordinated response to terrorism as a growing threat to international peace and

security. In that regard, my delegation is pleased that steps are being contemplated against terrorist individuals and organizations other than those already covered by the relevant resolutions against Al Qaeda and the Taliban and groups and individuals affiliated with them.

My delegation would like to reiterate its call for a definition of the phenomenon of terrorism. We also reiterate the need to distinguish between terrorist acts, which are condemnable and unjustifiable in all their forms and manifestations, and the legitimate struggle of peoples for liberation, self-determination, freedom and independence including through armed struggle, in accordance with international law. My delegation therefore believes that the criminal acts set out in paragraph 3 of resolution 1566 (2004) should not be interpreted as a definition of terrorism. It is not up to the Security Council to legislate in that regard. That prerogative falls under the competence of the General Assembly, which already has before it two draft conventions on terrorism, which we very much hope will soon be finalized.

Regional legal instruments complement international arrangements to strengthen international cooperation against terrorism. Such instruments include the 1999 Organization of African Unity Algiers Convention on the Prevention and Combating of Terrorism, which entered into force nearly two years ago.

The African Union's first High-level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, which was held in Algiers in September 2002, adopted a Plan of Action that involved several measures, including in the areas of police, border controls, legislative and judicial measures, information exchange and the suppression of the financing of terrorism. That Plan that established a framework for cooperation to combat terrorism in Africa.

A second meeting of that type was held on 13 and 14 October 2004 to consider the implementation of the Plan of Action. The statement adopted at the meeting reaffirmed the need to define terrorism and to distinguish it from the legitimate struggle of peoples for liberation, self-determination, freedom and independence, which international law acknowledge as basic elements in an international consensus on the issue of terrorism. It also emphasized the importance of an international conference to prepare a code of conduct against terrorism at the national level.

Furthermore, we welcome the fact that the African Centre for Study and Research on Terrorism, headquartered in 0Algiers and created within the framework of the Plan of Action, was officially inaugurated on 13 October 2004 by President Abdelaziz Bouteflika. The Centre's objective is to centralize information, studies and analysis on terrorism and terrorist groups and to develop training programmes through organizing training courses, meetings and round tables.

Finally, we are pleased that Ambassador Javier Rupérez, in his capacity as Executive Director of the CTC Executive Directorate, was able to take part in the work of that second high-level meeting of the African Union, to bear witness to the efforts of the African continent in combating terrorism and to end the support of the United Nations.

**Mr. Gaspar Martins** (Angola): My delegation is very grateful to you, Sir, for scheduling this open debate on the work of the Counter-Terrorism Committee (CTC). In particular, we thank Ambassador Andrey Denisov, Chairman of the CTC, and Executive Director Javier Rupérez for their respective briefings on the work of the Committee.

We are meeting today to consider the thirteenth quarterly work programme of the CTC. This is a good occasion for assessment, for identifying some lessons learned and for reiterating my delegation's firm commitment to the fight against terrorism.

In the past my country has had painful experiences with terrorism, and for decades the essence of our strength, resources and manpower was directed towards its final defeat — the fight against terrorism. We were able to witness the evolution of the terrorists' motivations, the concealment of their true intentions and how their tactics were able to make headway for many years, causing untold suffering to Angolans and the generalized destruction of our country. Angola still bears a heavy burden left behind by terrorism.

The Security Council has adopted a very firm stand against terrorism in all its forms and manifestations by reaffirming that it constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable, regardless of their motivations, whenever and by

whomsoever committed. This translates into an awareness that terrorists and their tactics must be condemned and firmly combated, without any ambiguity.

The international community possesses standards and an array of best practices to combat terrorism. However, much still has to be done in the operational domain in the development of best practices in international cooperation to fight terrorism and in the development of standards. Here, United Nations Members should move quickly towards the completion of a global convention against terrorism, the adoption of which would be an important step forward and a decisive tool in the global fight against terrorism.

In this regard, my delegation wishes to acknowledge and thank the Russian delegation for the contribution that it made with resolution 1566 (2004), which the Security Council recently adopted unanimously. That resolution will greatly facilitate the work of the Counter-Terrorism Committee by providing the international community with a tool to fill a gap that remains wide open due to the lack of a global convention.

Since my country joined the Security Council nearly two years ago, terrorism has pursued its deadly crusade, with the number of victims, including children, rising to unacceptable heights. Despicable terrorist acts are committed daily in all regions of the world as a grim reminder of the great threat posed by terrorism and of the urgent need for nations and peoples to unite in building a world free of the scourge of terrorism.

It is my delegation's view that to reach such an objective a different set of tools must be applied, namely, military force, tighter law enforcement measures and the addressing and solving of regional conflicts, as well as of the grave problems that remain entrenched in international life, such as poverty, human exploitation, inequality and sheer injustice: factors that create fertile ground for terrorism to breed and grow.

Since joining the Security Council, Angola has been a member of the CTC Bureau and has taken part in its efforts to make the Committee's work more effective and transparent. An important exercise towards that end has been the revitalization process and the implementation of the decision to establish the CTC Executive Directorate. That has been an effective contribution indeed.

The recently adopted resolution 1566 (2004) laid down an important framework for the coming work of the CTC, and today's briefing by its Chairman, clearly set out the way forward by calling for closer cooperation between the CTC and other United Nations bodies, namely, the Al Qaeda Taliban sanctions Committee and the Committee established pursuant to resolution 1540 (2004). The Chairman said also that other main tasks include strengthening practical cooperation with international, regional and subregional organizations, speeding up the revitalization process, enhancing the structural and operative capabilities of the Committee and, in particular, developing a direct dialogue with Member States and facilitating the provision of technical assistance to them.

In his briefing to the Security Council, Ambassador Denisov stated that 78 States are late in submitting their reports to the Committee pursuant to resolution 1373 (2001). In our view, this reflects a double reality. First, it raises the issue of what is called reporting fatigue, when States are called upon to present reports in a seemingly never-ending process, with each report raising additional questions calling for further reports of ever-increasing complexity. Secondly, the countries late in submitting the reports, all of them developing countries, face serious difficulties in complying with the provisions of resolution 1373 (2001). In reality, this requires a concerted national, regional and international effort in which the Counter-Terrorism Committee must play a central role in the enhancement of Member States' capacity to combat terrorism.

The thirteenth work programme, the revitalization of the CTC and the integration into the report review process of an analysis of a country's assessment of its needs constitute innovative methods that have with the objective of facilitating the provision of technical assistance adjusted to a country's needs. This is going to be of crucial importance in making reporting countries better able to comply with the obligations of submitting the information needed to close the gap.

Before ending, I should like to refer to the difficulties encountered by my country in complying with the relevant provisions of resolution 1373 (2001), namely in acceding to the 12 international conventions and protocols relating to terrorism and the enhancement of anti-terrorism legislation.

Nevertheless, I want to reiterate my country's unwavering commitment to the fight against terrorism; this morning's meeting makes a positive contribution to that end.

**Mr. Rostow** (United States of America): Let me begin by thanking the Chairman of the Counter-Terrorism Committee (CTC), Ambassador Denisov, and Executive Director Rupérez for their briefings and leadership.

These quarterly public meetings help ensure that counter-terrorism remains at the top of the Council's and the broader United Nations agenda. This practice should continue.

On 8 October last, Ambassador Danforth spoke of the spate of horrific terrorist attacks against innocent civilians. The landscape he described was not a pretty one. The attacks continue despite the international community's efforts to thwart them. The day before the Security Council adopted resolution 1566 (2004), in which it delivered its strongest condemnation of the intentional targeting of civilians, more than 30 vacationing civilians were murdered in a horrific terrorist attack in Taba, Eqypt. A week before that, the world saw the deliberate murder of 34 children and seven adults in a terrorist attack in Baghdad, and a terrorist attack at a Shi'ite mosque in Pakistan where dozens of worshippers were killed. Finally, on the day of the resolution's adoption, terrorists in Iraq beheaded a British civilian hostage.

Strong United Nations resolutions and statements from the floor condemning terrorism and pledging action are meaningful only if they are by followed up with action by all States. Only through concerted and coordinated action will we win the war on terrorism. To that end, my delegation calls upon all States and organizations to look at what they have done to contribute to the fight against terrorism and see where they can do more. The Counter-Terrorism Committee must do the same. Deeds matter more than words. This global fight can be won only with the unrelenting collaborative efforts of all States Members of the Organization and of all other international bodies.

Despite the repeated calls by the General Assembly and the Security Council for States to join the 12 international terrorism instruments, only 57 States are parties to all 12, and 47 are parties to six or fewer of those instruments. Given that these conventions help facilitate cooperation among States to fight terrorism, no one should be satisfied with the current participation levels. We can and must do better. Resources exist to help, particularly the Terrorism Prevention Branch in Vienna. We encourage States to take advantage of those resources.

For those States that are party to a regional terrorism convention but not yet parties to all of the 12 international conventions, we reiterate what the Council said in resolution 1566 (2004): joining regional conventions cannot be viewed as an alternative to joining the international ones.

Some regional conventions would seem to justify attacks against civilians, depending on the political, philosophical, ideological, racial or ethnic motivation of the perpetrators. This is contrary not only to the text and spirit of resolution 1566 (2004), but also to the work of the Counter-Terrorism Committee. In resolution 1566 (2004), the Security Council unanimously endorsed the proposition that the deliberate targeting of civilians is simply unjustifiable by any cause. Until everyone accepts this proposition, we shall not see truly universal collaboration against terrorism — indeed, we shall not see the end of terrorim.

The United States is pleased to see that the revitalization of the CTC is nearing its final stages. We urge both the Secretary-General and the General Assembly to take the necessary action to ensure that the Counter-Terrorism Executive Directorate is up and running as soon as possible. An effective Executive Directorate lies at the heart of improving the CTC's ability to monitor States' efforts to implement their obligations under Security Council resolution 1373 (2001), to identify gaps in States' capacities, and to work with assistance providers to fill those gaps. We encourage States to take advantage of this opportunity and to reach out and invite Executive Director Rupérez and his colleagues to visit.

As the Counter-Terrorism Committee begins its fourth year of work, it should feel proud of its accomplishments: more States than ever before have the necessary legal and executive machinery in place to combat terrorism; more States and organizations than ever before are engaged in the global counter-terrorism campaign, and this global campaign is better coordinated than ever before. Yet there is much more to do, and we must all do our utmost together in fighting terrorism.

**The President:** I shall now make a statement in my capacity as the representative of the United Kingdom, and, in that capacity, fully associate my delegation with the statement to be made by the Ambassador of the Netherlands on behalf of the European Union and the candidate countries.

As all speakers so far this morning have underlined, the work of the Counter-Terrorism Committee (CTC) is as important today as when it started. We have been reminded of numerous and repeated examples of the scourge of terrorism in recent weeks. Terrorism knows no boundaries and respects no political point of view. Against that backdrop, the persistent efforts of the CTC and of United Nations Member States remain crucial, we are convinced.

My delegation is particularly grateful to Ambassador Denisov for his work. Not all of it will be apparent to colleagues or others in the Chamber; he has done a great deal behind the scenes on behalf of the Committee. Since this is quite likely to be the only open meeting of the Council in which he speaks as CTC Chairman, I should like to thank him very warmly for his personal contribution and that of his delegation to keeping the CTC working efficiently in a period of change.

It is also good that we have with us Ambassador Rupérez, Executive Director of the Counter-Terrorism Executive Directorate. We very much welcome his efforts and those of his team to prepare the work and the functioning of the CTED, and, like others, we look forward to seeing it up and running as soon as possible.

The CTC continues to work on two priority areas: first, promoting ratification of the international conventions and, secondly, encouraging and assisting States with the domestic implementation of measures to combat terrorism.

The measure of the success of the Committee is not how many reports are written, or even whether they are written. The measure of success is, of course, effective steps taken on the ground that make it more difficult for terrorists to operate. But the problem is that, without reports from States, the Committee will not know whether we all are taking the necessary steps or not. So, recognizing the difficulties some States have in producing reports, my delegation nevertheless calls on all States that have missed a deadline for replying to the Committee to reply quickly. I call on them also to let the Committee know of any problems they are facing in meeting those deadlines and any problems they are facing in putting in place counter-terrorism measures domestically.

The Committee, we know, is as keen as ever to help all States tackle terrorism. If that includes difficulties in reporting, I hope that the CTC can assist.

Its assistance will soon include visits by the Committee to States to offer assistance and to assess whether that assistance would be beneficial to support implementation on the ground that meets the standards that the United Nations has called for. We look forward to the early start of such visits and hope that they will both help States to overcome their difficulties in implementing counter-terrorism measures and contribute to ever-more-effective barriers to terrorist activity.

On 8 October, the Council adopted resolution 1566 (2004). That important resolution, among other points, makes clear the Council's wish that the CTED should start work as soon as possible. It also asks the CTC to prepare a set of best practices for States in a particular area of concern — terrorist financing — and we look forward to participating in that work.

Finally, I would like to say that we also support the call in resolution 1566 (2004) for enhanced cooperation between the three Security Council Committees that are tackling terrorism: the CTC, the Committee on Al Qaeda and Taliban sanctions created pursuant to Security Council resolution 1267 (1999) and the Committee created pursuant to resolution 1540 (2004). The quite separate, new Security Council working group to be set up in accordance with resolution 1566 (2004) will no doubt also want to remain in close contact with the existing Committees and to draw on their expertise.

I now resume my functions as President of the Security Council.

I would like to explain that as another measure to optimize the use of our time, in order to allow as many delegations to take the floor as possible this morning, I will not individually invite speakers to take seats at the table and invite them to resume their seats on the side. Rather, when a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the table, as they have already done.

I now give the floor to the representative of Japan.

**Mr. Haraguchi** (Japan): First of all, I would like to thank both Ambassador Denisov and Ambassador Rupérez for today's detailed presentation on the work of the Counter-Terrorism Committee (CTC) and its Executive Directorate (CTED).

Today, the incidence of terrorist acts is on the rise and the damage caused by such acts grows increasingly more devastating, leaving us far from our goal of eliminating terrorism. Given the present situation, my Government welcomes the fact that the CTC is pursuing its revitalization process under the leadership of Ambassador Denisov and that the members of the Security Council have unanimously adopted a new resolution — 1566 (2004) — to strengthen international cooperation on counter-terrorism policy and to send a clear message to the international community that the Security Council is actively addressing counter-terrorism issues.

My Government supports the revitalization of the CTC based on the measures contained in resolutions 1535 (2004) and 1566 (2004). That said, I would like to make the following three specific points.

First, resolution 1566 (2004) calls for the establishment of a Security Council working group to consider measures to be imposed on terrorists other than those associated with the Taliban or Al Qaeda. That is an area which to date has not been dealt with proactively. We support that step, but we also believe that the relationship between the new working group and the existing organs, such as the CTC and the Al Qaeda and Taliban sanctions Committee, should be thoroughly elucidated at the outset. The establishment of the working group should not end up merely producing more hypertrophy of the Organization. Care must be taken to ensure that the new working group will actually contribute to the strengthening of counter-terrorism policy.

My second point has to do with the proposed visits of the CTC to States, which was included in the CTC's work programme for the third quarter of this year. It should be recalled that the Security Council has also directed the CTC, as a matter of priority, to start visits to States in its resolution 1566 (2004). My Government appreciates that the CTC has adopted general guidelines for conducting CTC visits to Member States, as well as the procedures for such visits. We understand that work on the planning of those visits in regard to actual destinations and other details is still ongoing. It is my Government's hope that, after the visits, the CTC will share its views with Member States, in as concrete terms as possible, concerning what each visit has achieved and what it is expected to produce.

Thirdly, my Government appreciates that the organizational plan of the CTED was endorsed by the Security Council in August, although the detailed structure of that organization has not yet been delineated. My Government strongly hopes that, with Ambassador Rupérez as its Executive Director, the CTED will soon be actively at work fulfilling its mandate so that it may serve as yet another effective tool in the fight against terrorism. Japan, for its part, is prepared to actively cooperate in the successful launching of the CTED.

Before concluding my statement, let me add that Japan extends its deepest condolences to the families and relatives of the victims of all the recent terrorist acts. Terrorism can never be justified for any reason whatsoever. I wish to reiterate our strong support for the further strengthening of international cooperation, with a view to preventing future acts of terrorism. My Government offers its full cooperation towards the realization of an effective counter-terrorism policy through the implementation of the relevant Security Council resolutions.

**The President**: I now call on the representative of Liechtenstein.

**Mr. Wenaweser** (Liechtenstein): It is a pleasure, Mr. President, to address the Council under your presidency.

At the outset, I would like to thank both Ambassador Denisov and Executive Director Rupérez for their briefings this morning and to extend to them our best wishes for their future work.

Liechtenstein strongly condemns all acts of terrorism, irrespective of their motivation, wherever and by whomsoever committed. We are committed to international cooperation to fight terrorism, in particular through the 12 United Nations conventions and protocols in this area, all of which have been ratified by Liechtenstein, and through the work of United Nations bodies such as the Counter-Terrorism Committee and the Al Qaeda and Taliban sanctions Committee. We are further of the view that the fight against terrorism must not be carried out at the expense

of international legal standards, in particular in the area of human rights.

Beginning with the adoption of resolution 1373 (2001), the Security Council has acted forcefully to live up to its responsibility with respect to the global threat of terrorism. In March 2004, the Council adopted a set of measures aimed at reinforcing the effectiveness of the Counter-Terrorism Committee. We hope and are confident that the new structure will be operational by early 2005 and that it will live up to the high expectations that we all have of it.

The CTC should continue to work in a transparent manner, inter alia, through regular formal and informal briefings for all Member States. The Council itself is similarly called upon to uphold the principles of inclusiveness and transparency when acting to foster international cooperation against terrorism. With the adoption of resolution 1566 (2004), the Council took the fight against terrorism to a new level. We regret that the wider United Nations membership was not given an opportunity to express its views on the draft of that resolution, given its important implications for our common fight against terrorism worldwide. We therefore take this opportunity to express our views after that draft resolution's adoption.

We welcome all the Council's efforts to increase cooperation and coordination among all international actors in the fight against terrorism, and we appreciate that resolution 1566 (2004) is part of that effort. Our concerns regarding resolution 1566 (2004) revolve around the issue of the rule of law, which the Council had discussed only two days prior to the adoption of that resolution.

First, the resolution employs broad language, directing States to extradite or prosecute persons who are considered to be involved even indirectly, in terrorist acts. The definition of such involvement is unclear, and this poses the danger of including persons who could not even be considered as having acted with intent, as is required under international law. Secondly, the resolution attempts to define terrorist acts in a way that leaves questions of interpretation open, while calling on States to prevent and punish acts of such nature. Thirdly, it raises the question of the relationship between the work of the Council and the efforts underway in the General Assembly, the law-making body of this Organization, to agree on a definition of terrorism.

Finally, the resolution envisages new practical measures to be imposed upon individual groups or entities involved in or associated with terrorist activities beyond those who are designated by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban and Associated Individuals and Entities. A working group will make recommendations on such measures, especially regarding criminal prosecution and freezing of assets.

Together with others, we have repeatedly expressed the view that due-process standards with respect to the current sanctions regime under resolution 1267 (1999) and 1455 (2003) should be improved, in particular with regard to the need for access to legal remedies and the possibility of delisting in cases of factual errors. It is thus crucial that an expanded regime be equipped with the necessary mechanism to establish the facts objectively and to review decisions in a fair and independent manner. This will greatly facilitate and enhance implementation by States that wish to respect rule of law standards in carrying out the legally binding decisions of the Council. We hope that the working group will proceed in an inclusive and transparent manner and on the basis of respect for the fundamental principles of due process.

**The President**: I now give the floor to the representative of the Netherlands.

**Mr. van den Berg** (Netherlands): I have the honour to take the floor on behalf of the European Union (EU). The candidate countries Bulgaria, Romania, Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro and the European Free Trade Association (EFTA) countries Iceland and Norway, members of the European Economic Area, align themselves with this declaration.

The EU welcomes the recent adoption of Security Council resolution 1566 (2004). The Chairman of the Counter-Terrorism Committee (CTC) pointed out very rightly that this resolution clearly prioritizes the main tasks of the Committee.

First, resolution 1566 (2004) calls for a more coordinated approach and closer cooperation between the CTC and other United Nations bodies. The EU welcomes the further strengthening of cooperation, not only between the Security Council committees dealing with counter-terrorism, but also with other parts of the United Nations system involved in counter-terrorism, such as the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and the General Assembly's Sixth Committee in its codification efforts on this matter, in particular on the draft convention against nuclear terrorism. The EU hopes for this draft convention's early conclusion. Furthermore, the EU welcomes the working group to be established under resolution 1566 (2004) as a useful tool in the efforts to strengthen United Nations action against terrorism. The EU will take an active interest in the work of the group, and would welcome information about — and possibilities to discuss — its programme of work.

Secondly, the CTC must more actively and effectively strengthen practical cooperation with international, regional and subregional organizations in all areas related to resolution 1373 (2001). In this regard, the EU welcomes that the CTC will prepare, in consultation with the relevant international, regional and subregional organizations and United Nations bodies, a set of best practices to assist States in implementing the provisions of resolution 1373 (2001) related to the financing of terrorism.

The EU will stand ready for close cooperation with the CTC and wants to reiterate that the European Council wholly supports the goal of fully and universally implementing resolution 1373 (2001). In its Declaration on Combating Terrorism of 25 March 2004, the European Council emphasized the importance of developing technical assistance strategies to enhance the counter-terrorist capacity of third countries. In the same declaration, the European Council also agreed on the establishment of the post of the EU counter-terrorism coordinator. This coordinator is working to promote greater cooperation between the various EU counter-terrorism initiatives, policies and activities.

In our external policies, we emphasize the importance of ratifying, without reservation, and effectively implementing the relevant international conventions and protocols related to terrorism and preventing the financing of terrorism. We also emphasize addressing other factors that may contribute to the fight against terrorism, such as non-proliferation and arms control, as well as continued efforts in lifting the veil of so-called charitable institutions.

As a third priority for the CTC, the Chairman mentioned the importance of speeding up the revitalization process on the basis of the organizational plan of the Counter-Terrorism Committee Executive Directorate (CTED). First and foremost, the European Union would like to welcome the Security Council's endorsement of the organizational plan for the CTED. We are of the opinion that the establishment of the Directorate will be an effective way to enhance the Committee's ability to monitor the implementation of resolution 1373 (2001) and effectively continue the capacity-building work in which it is engaged. We welcome the Council's request in resolution 1566 (2004) that the Secretary-General take, as a matter of urgency, appropriate steps to make the CTED fully operational.

With regard to this new CTED, the EU would like to reiterate its wish to see a human rights expert included in the Directorate. We understand this is the intention of the Executive Director and we commend him for this. We furthermore attach importance to cooperation between the Executive Directorate and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The EU has a long-standing position that counter-terrorism activities must at all times be undertaken with full respect for obligations under international law, in particular human rights, international humanitarian and refugee law.

As a fourth priority, the Chairman mentioned that the CTC must step up its efforts to develop direct dialogue and information exchange with Member States on resolution 1373 (2001) and the facilitation of technical assistance, in particular through the practical organization of initial visits to States with their consent. In this context, the European Union supports a more proactive role of the CTC. We would welcome more direct dialogue and information exchange with the States in need of assistance and the donor community, including close dialogue and cooperation with the Counter-Terrorism Action Group of the Group of Eight.

In addition, the European Union would like to point out that the submission of reports by Member States remains an essential working tool for the CTC. Therefore, the European Union would like to call upon

all States that did not submit their reports on time to do so as soon as possible.

Lastly, the European Union has taken note of the Committee's efforts to integrate analysis and assessment of each country's assistance and other needs into the report-reviewing process.

The European Union is of the opinion that the Chairman very pertinently addressed the priorities of the CTC in his briefing on the Committee's programme of work.

I should like to conclude by reiterating that the European Union and its member States remain strongly committed to our common goal: the full and universal implementation of resolution 1373 (2001).

**The President**: I now give the floor to the representative of Switzerland.

**Mr. Maurer** (Switzerland) (*spoke in French*): Terrorist acts are one of the gravest threats to international peace and security. Therefore, the fight against terrorism concerns the entire international community. In that regard, Switzerland welcomes the holding of an open debate and is pleased that the Swiss delegation of the Inter-Parliamentary Union had the opportunity to listen to this debate today.

We thank Ambassador Denisov and Executive Director Rupérez for the work accomplished thus far, and particularly for the very useful information they provided to us this morning. Switzerland thanks the chairmanship of the Counter-Terrorism Committee (CTC) for having prepared the work programme for the thirteenth 90-day period. We must also thank the Committee for the remarkable work it has accomplished in three years.

The adoption of the Executive Directorate's organizational plan will enable the CTC to continue and strengthen its dialogue with Member States. We are convinced that the Committee's future visits to Member States, as envisaged in the procedures recently approved by the Committee, will be carried out in a spirit of transparency and in a way that will ensure close cooperation with the countries concerned. Switzerland has already cooperated closely with the Committee in the implementation of resolution 1373 (2001), and we intend to continue that cooperation in the future.

Switzerland has noted the Security Council's adoption of its resolution 1566 (2004). We welcome the Council's resolve to strengthen the means of combating terrorism. Switzerland regrets that the adoption of resolution 1566 (2004) was not preceded by an open debate enabling all United Nations Members to express their points of view. The fight against terrorism is a long-term challenge. It is therefore necessary to think in terms of duration and effectiveness by ensuring the participation of everyone. Switzerland would like all Member States to be included from the outset in the efforts of the new working group established by resolution 1566 (2004).

Terrorist groups intentionally target civilians and can obtain access to modern technologies with unprecedented destructive power. The persons responsible for such acts must be either prosecuted and judged or extradited. The international community must be careful not to sacrifice respect for human rights and the rule of law in the fight it must wage against terrorism. Switzerland is also convinced that it is not necessary to infringe fundamental freedoms to ensure the effectiveness of the fight against terrorism.

Under the mandate envisaged in resolution 1566 (2004), the working group must consider and recommend to the Council measures to be imposed on persons or entities that participate in or are associated with terrorist activities. Such measures include the freezing of financial assets, bans on travel and arms embargoes. The possibility of establishing a consolidated list has also been raised in Council discussions. However, for reasons of legitimacy and effectiveness, we should consider whether it is appropriate that the Security Council alone decide on the content of such a list. Switzerland believes that, if necessary, mechanisms should be developed to enable all Member States to be included. Moreover, if such a list were to be established, it is important that it be the result of a process that would provide sufficient guarantees of impartiality and transparency and would ensure that the persons and entities whose names were on the list would have the opportunity to challenge such a listing if they considered themselves victims of errors or abuse.

In addition, Switzerland regrets that resolution 1566 (2004) contains formulations of a legislative nature that do not correspond to the definitions used in the draft comprehensive convention on international terrorism and in the 12 international conventions

against terrorism; nor do they comply with the principle of legality in criminal law, which requires the clear and precise formulation of laws. In order to avoid such inconsistencies between the work of the General Assembly and the actions of the Security Council, Switzerland hopes that in future the Council will fully respect the prerogatives of the Assembly with regard to developing and codifying international law.

At the same time, Switzerland calls on the General Assembly to swiftly find a consensus on the aspects of the comprehensive convention on international terrorism that are still being negotiated. An objective definition of terrorism would facilitate Security Council actions against terrorism.

Switzerland must recall once again the statement we made in March this year during the open debate on the revitalization of the Counter-Terrorism Committee. On that occasion, we proposed setting up a central counter-terrorism office under the authority of the Secretary-General, which would assume the main responsibility in the medium term for the fight against terrorism carried out within the framework of the United Nations. Costa Rica recently developed a proposal whose objectives are somewhat comparable; it deserves our full attention.

**The President**: I now give the floor to the representative of India.

**Mr. Sen** (India): We thank you, Mr. President, for providing this opportunity to the general membership to express its views on the threats posed by terrorist acts to international peace and security. I would also like to thank Ambassador Denisov, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001), and Ambassador Javier Rupérez, Executive Director of the Counter-Terrorism Executive Directorate, for their extensive briefings this morning.

Today, there is almost unanimous agreement among the membership of the United Nations that the threat represented by terrorism is global, afflicting countries worldwide irrespective of region, religion, colour or creed. The instances of terrorist attacks in Beslan or Bali, Moscow or Madrid, New York or New Delhi, Casablanca, Istanbul, Taba or Riyadh are fresh in our minds. They represent flashpoints in a larger fight against terror being waged in various parts of the world.

Terrorism is not a new phenomenon to India. More than 60,000 Indians have fallen victim to the ravages of terrorism and to those who perpetuate, promote, sponsor or facilitate it. Nor is terrorism new to the United Nations. As early as in October 1970, the General Assembly affirmed in a declaration that every State had the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State.

We congratulate the Security Council on its unanimous adoption of resolution 1566 (2004) on 8 October 2004. We would have been happy to share our views on that critical resolution before its adoption, but we did not have the opportunity to do so. In our view, resolution 1566 (2004) represents a logical extension of the existing multilateral cooperation on counter-terrorism. It takes forward the ideas first enunciated in the landmark Council resolutions 1267 (1999) and 1373 (2001). In doing so, it also draws attention to the need to move forward in the General Assembly's consideration of this important issue.

Soon after the adoption of resolution 1373 (2001), my delegation, in a statement to the Council under this agenda item, recommended that the Council extend its actions to groups known to perpetuate terrorism; that it be proactive in seeking the views of Member States, particularly those affected by terrorist acts; that it not leave unchallenged or unaddressed claims of moral, political and diplomatic support for terrorism; and that it institute more effective measures to deny safe haven to terrorists and to seek their extradition. Resolution 1566 (2004) seeks to implement the very measures that India advocated almost three years ago. For that reason, among others, it has our support.

Terrorism constitutes one of the most serious threats to peace and security. It knows no border or boundary; it observes no codes of conduct or constraints of religious ideology; nor is it restrained by humanity or the bounds of civility. Its objective is, inter alia, to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a Government or an international organization to do or to abstain from doing any act. It dictates its terms through death and destruction, fear and confusion. It is indiscriminate in its wrath. It cannot be justified under any circumstances, be they of a political, philosophical,

ideological, racial, ethnic, religious or other similar nature.

The international community has to continue to work together to address this common global threat. The work of the Committees established pursuant to resolutions 1267 (1999) and 1373 (2001) has to be taken further. Resolution 1566 (2004) represents a timely and laudable initiative designed to move the international community forward in its common consideration of the issue. We hope that the working group constituted by the Council pursuant to that resolution can come to an early conclusion on the need for greater international cooperation on practical measures to be imposed on terrorists and their supporters, including through prosecution or extradition and the establishment of a consolidated list of individuals, groups or entities involved in or associated with terrorist acts.

Resolution 1566 (2004) calls upon Member States to cooperate fully in expeditiously adopting the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism, pending in the Sixth Committee of the General Assembly. We are confident that this would renew the impetus among Member States to activate the Assembly on this important issue and lead to the speedy adoption of both texts.

The unanimous Council vote in favour of resolution 1566 (2004) was a positive sign of the commitment of the international community to remain steadfast in this global fight against terror. It is sometimes forgotten that Mahatma Gandhi, who led the greatest non-violent mass movement, preferred to call it off and postpone independence in the 1930s rather than compromise with an act of terrorist violence in Chauri Chaura. The integration of all faiths that have contributed to the rich fabric of Indian civilization is shown by the fact that there was not a single terrorist from India among the "foreign fighters" abroad.

We also recall the unimpeachable secular credentials of the great popular movements in the Islamic world after the Second World War. Against that backdrop, the extreme reactionary vision of terrorists can only strengthen responses, while their extreme antihumanism and devotion to death and destruction dooms them to certain failure.

I would like to conclude by mentioning, as I have done on an earlier occasion, that the new Government of India is committed to the repeal of the Prevention of Terrorism Act and, therefore, to fighting terrorism without — in Benjamin Franklin's great phrase — diminishing the legal personality of the citizen.

**The President**: The next speaker is the representative of Cuba, on whom I now call.

**Mr. López Clemente** (Cuba) (*spoke in Spanish*): My Government would like to express its appreciation for the information presented by the Chairman of the Counter-Terrorism Committee (CTC) and by Mr. Javier Rupérez.

There must be true international cooperation in the struggle against terrorist acts in all their forms and manifestations, wherever and by whomever committed, with Third World countries participating as equals, transcending political, religious or other differences. The United Nations should play a central role in that cooperation.

We can make progress in the struggle against terrorism only by means of international cooperation, based on full respect for international law and the Charter, not by means of extrajudicial executions, arbitrary detentions of a country's nationals or foreign citizens, the persecution of immigrants or other violations of human rights, pre-emptive wars, acts of aggression or vengeance, covert actions that violate laws and borders, unilateral sanctions, drawing up "lists" of countries or singling them out with obscure political purposes in mind, or other unilateral actions that will only bring about further violence.

While rejecting the arbitrary inclusion of Cuba in yet another list of countries that allegedly support terrorism, as drawn up by the United States, I would like to take this opportunity to remind the Council that my country was among the first three countries to ratify the 12 international instruments on terrorism. It has promulgated a comprehensive law against terrorist acts, adopted additional and effective non-legislative measures and cooperated in good faith with the Security Council, in particular the CTC, to which it has submitted four comprehensive reports in a timely manner.

Cuba has never allowed, nor will it tolerate or permit, the use of its territory to carry out, plan or

finance acts of terrorism against any State, without exception.

Cuba supports a definition of terrorism that distinguishes between terrorism and the legitimate struggle of peoples for their right to self-determination and against foreign occupation. Cuba believes the conclusion in the General Assembly of the draft international convention for the suppression of acts of nuclear terrorism and of the draft comprehensive convention on international terrorism to be an urgent necessity.

The Council's tendency to legislate under Chapter VII of the Chanter was demonstrated on 8 October, when it adopted resolution 1566 (2004). That resolution is designed to define terrorism — a task that is rightly the General Assembly's — in a manner that is biased, and to include under Chapter VII a number of items and questions that fall within the discretionary competence of the Assembly, as with negotiations on the two conventions to which I referred and the establishment of a fund to assist victims of terrorism.

Furthermore, given the Security Council's double standards with regard to the fight against terrorism, we are concerned that the CTC has been granted the prerogative to establish a monitoring mechanism in countries by means of visits without having to obtain the consent of the State involved.

Cuba will comply with its own sovereign laws and reiterates its readiness to cooperate with all countries, with full respect for the Charter and international law. In that spirit, on three occasions the Cuban Government proposed to the Government of the United States — unconditionally and in accordance with the provisions of resolution 1373 (2001) — that three draft bilateral agreements be drawn up on cooperation to combat terrorism, illicit drug trafficking and trafficking in persons, but these were rejected by the United States on flimsy pretexts.

Yet the United States provides weapons, safe haven and the use of its territory with full freedom of movement to groups of the anti-Cuban mob based in Miami, despite the fact that such groups have been planning, financing and carrying out terrorist acts against Cuba for more than four decades, including bomb attacks, assassination attempts against Cuban leaders and other actions resulting in harm or death to thousands of people, as well as in great economic hardship to my homeland.

Five young Cuban men have been given life — or very long — sentences by an illegitimate court in Miami for carrying out observation activities of those terrorist groups so as to prevent similar attacks against Cuba and the territory of the United States itself. Those young men have already been imprisoned for more than five years in the United States. They are subjected to excessive and long confinement and isolation, and in some cases they have had no personal contact with their wives or other relatives since being imprisoned.

Another recent event has once again provided evidence of the double standards applied by the Government of the United States in its alleged war on terror. On 25 August, the then-President of Panama, Mireya Moscoso, signed Decree 317, by means of which four terrorists of Cuban origin were pardoned. They had been arrested, tried and sentenced in Panama for planning an assassination attempt on President Fidel Castro in November 2000.

Mrs. Moscoso's actions, carried out in conspiracy with the United States Government and the Miami terrorist mob just one week before the end of her presidential mandate, was the culmination of a process, begun in 2001, to make compromises with anti-Cuban terrorism by protecting those terrorists of Cuban origin.

On 12 September, one day after the commemoration of the anniversary of the crime perpetrated on 11 September 2001 in the United States, the anti-Cuban mob based in Miami publicly celebrated and welcomed with open arms three of those terrorists, who had travelled with false documents.

Is not even the promotion and encouragement through the United States media of confessed terrorists with long criminal histories, including with the FBI, an affront to legitimate international efforts to fight the scourge of terrorism? Luis Posada Carriles, the fourth and perhaps the most notorious terrorist among those pardoned by Moscoso, is presumably somewhere in Central America. Abundant information about our accusation, including the criminal records of the four terrorists, may be found in documents S/2002/15 and S/2004/753 and in our statements in Security Council open debates on this issue in 2003 (see S/PV.4710) and earlier this year (see S/PV.4921).

On 4 March 2004, during a debate similar to this one, we asked once again about the practical actions the Council was planning to take, particularly in the CTC framework, regarding the considerable evidence

that has been presented concerning terrorist actions committed against our country in blatant violation of resolution 1373 (2001) and other international legally binding instruments. In view of the lack of action to date, we would like to ask today whether resolutions 1373 (2001) and 1566 (2004) are not applicable to our specific accusations with regard to the aforementioned terrorist acts, which have gone unpunished.

Those who repeatedly proclaim their determination to fight tirelessly to eradicate international terrorism, without exceptions or selectivity, have a clear opportunity to prove that the Security Council, where some have veto power, is in fact an instrument capable of addressing the struggle against international terrorism in an effective, just, impartial and non-selective manner.

**The President**: I call next on the representative of Thailand.

**Mrs. Loahaphan** (Thailand): First of all, let me join previous speakers in thanking Ambassador Denisov for his detailed presentation on the work of the Counter-Terrorism Committee (CTC). We also thank the Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED) for his briefing.

Terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security. All acts of terrorism are criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed. Victims of terrorist attacks and their families deserve our deepest sympathy and condolences. To combat such a threat in today's world, international cooperative efforts, particularly within the United Nations, are needed more than ever.

In this connection, my delegation wishes to welcome the recently adopted Security Council resolution 1566 (2004), which, inter alia, establishes a working group consisting of all members of the Security Council to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups and entities involved in or associated with terrorist activities, other than those designated by the Al Qaeda/Taliban sanctions Committee, and to consider the possibility of setting up an international fund, financed by voluntary contributions and seized terrorist assets, to compensate victims of terrorist acts and their families. We particularly welcome the ninth preambular paragraph of the resolution, which emphasizes the need to broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of cultures and religions, and to address the full range of issues, including development concerns, all of which are necessary for sustaining the widest possible fight against terrorism.

In this connection, my delegation would like to commend the CTC for a job well done since it was established by Security Council resolution 1373 (2001). We also welcome the timely revitalization of the work and structure of the Committee, particularly the establishment of the CTED as a special political mission, under the policy guidance of the Committee plenary, with the aim of enhancing the Committee's ability to monitor the implementation of resolution 1373 (2001) and to effectively continue the capacity-building work in which it is engaged. Such revitalization is imperative in view of the more proactive role assumed by the Committee in its dialogue with Member States, in evaluating the implementation of resolution 1373 (2001), in facilitating technical assistance to Member States and in promoting closer cooperation and coordination with international, regional and subregional organizations. In that regard, my delegation would like to assure the Council of its continued willingness to closely cooperate with the Committee and its Executive Directorate; we look forward to the CTED becoming fully operational in the near future.

Thailand attaches great importance to the work of all the committees established by the relevant resolutions of the Security Council in its fight against terrorism and thus has always extended its full and timely cooperation to those various committees, which have different mandates but related objectives. Thailand also believes that intensified contacts and dialogue with the States Members of the Organization will contribute significantly to the work of the committees and will enhance the efficiency of Member States themselves in their implementation of relevant resolutions adopted by the Security Council.

That is why Thailand is pleased to have received a visit from Ambassador Heraldo Muñoz, Chairman of the Al Qaeda/Taliban sanctions Committee, and his delegation, which took place only last week. During that visit, a number of meetings requested by the Chairman of the Committee were organized, including

meetings with the Thai Prime Minister, the Foreign Minister, the Minister of Interior and other high-level officials of the competent authorities dealing with the issue of terrorism. First-hand information was provided and exchanged by the two sides, and intensive discussions on cooperation were held in a frank manner. The visit has indeed enhanced the level of understanding and cooperation between Thailand and the Al Qaeda/Taliban sanctions Committee in their efforts to ensure full and effective implementation of resolution 1267 (1999).

My delegation would like to stress that measures against terrorism adopted by States need at all times to be in compliance with international law, particularly international human rights, refugee and humanitarian law. In order for the fight against terrorism to be comprehensive, it is necessary that we also tackle the symptoms and root causes of terrorism, such as poverty, lack of development and basic necessities, and human rights abuses. In combating the violence and terror in today's world, more importance should be given to the cultivation of a culture of peace, understanding and tolerance, both within and among countries and their peoples, in order to make it possible for everyone to learn to live with one another's differences and eventually to enjoy the fruits that world peace and harmony can offer.

Before closing, my delegation is pleased to report that on 29 September 2004 Thailand deposited with the United Nations its instrument of ratification of the 1999 Convention for the Suppression of the Financing of Terrorism. With the amendments to the Thai penal code and the enactment of the Anti-Money Laundering Act of 2003, it is hoped that we will be able to become party to all other pending international conventions and protocols relating to terrorism by early next year.

Additionally, Thailand has played an active role with regard to capacity-building in the South-East Asian region, particularly in the area of extradition, within the legal issues working group of the Bali Regional Ministerial Meeting on Counter-Terrorism. Furthermore, Thailand has supported the conclusion of treaties on mutual legal assistance in criminal matters among the countries members of the Association of South-East Asian Nations, which enhances international cooperation and mechanisms in combating international terrorism.

**The President**: I still have some 16 speakers remaining on my list. Looking at the time, and with the concurrence of increasingly hungry members of the Council, I therefore intend to suspend the meeting until 3 p.m.

*The meeting was suspended at 1:10 p.m.*

United Nations S/PV.5059 (Resumption 1)

# Security Council

Fifty-ninth year

*Provisional*

## 5059th meeting

Tuesday, 19 October 2004, 3 p.m.
New York

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|---|---|---|
| *President:* | Mr. Thomson | (United Kingdom) |
| *Members:* | Algeria | Mr. Hafrad |
| | Angola | Mr. Gaspar Martins |
| | Benin | Mr. Zinsou |
| | Brazil | Mr. Da Silva |
| | Chile | Mr. Andereya |
| | China | Mr. Cheng Jingye |
| | France | Mrs. Collett |
| | Germany | Ms. Kloke |
| | Pakistan | Mr. Shah |
| | Philippines | Mr. Lacanilao |
| | Romania | Mr. Dumitru |
| | Russian Federation | Mr. Lobach |
| | Spain | Mr. Quintero |
| | United States of America | Mr. Rostow |

## Agenda

Threats to international peace and security caused by terrorist acts

Letter dated 15 October 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council (S/2004/820)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-56125 (E)

*The meeting resumed at 3.10 p.m.*

**The President**: We have 17 speakers on our list, including Colombia, who has joined the list of speakers.

I now give the floor to the representative of Peru.

**Mr. de Rivero** (Peru) (*spoke in Spanish*): The convening of this open debate bears witness to the recognition that all States must be involved in combating terrorism, and that is why I am grateful to you, Mr. President, for having convened this debate. I would also like to thank Ambassador Andrey Denisov, Chairman of the Counter-Terrorism Committee (CTC), for his introduction of the Committee's plan for the final quarter of the year, and to tell him that my country fully supports him in his functions.

Simply stated, Peru has zero tolerance for terrorism in all its forms and manifestations, wherever and by whomever such acts may be committed. We fought against that scourge for 13 years and managed to overcome it. We are not novices in combating terrorism, and as a result we are happy to make all of our experience available to the international community.

Based upon our successful experience in combating terrorism, my country is in a position to testify that one cannot effectively combat that scourge without an integrated approach, including legal aspects such as new legislation, but also including social and political aspects and, above all, operational and intelligence aspects, which are often even more productive than armed confrontation.

It is vital for that comprehensive struggle to be carried out with respect for human rights and international law. The State can never win the battle against terrorism if it uses the same methods as the terrorists, because it will thus lose its legitimacy. Another long-term aspect of the integrated approach against terrorism is to combat social marginalization, poverty and resentment, because those are the areas in which the virus of terrorism grows and flourishes.

The Committee's work against terrorism must be carried out in a coordinated manner, in close cooperation with other organs of the Council that are also concerned with terrorism, but also with other units in the United Nations, as well as with other international, regional and subregional organizations, in order to focus our efforts and avoid redundancy.

With regard to reporting, my country welcomes the rapidity and effectiveness with which the Committee works in examining the reports. However, we note that while some countries will soon be preparing their fifth report, others have only presented two. According to the numbers cited by the Chairman of the Committee, while 191 Member States have presented their first report, 160 have presented a second and 117 have presented a third, only 78 have presented their fourth. In the opinion of my delegation, the Committee must continue to collaborate closely with States that have not been able to discharge their obligation to report by identifying the reasons why such a great number of States are lagging behind.

Despite its great experience in the field, Peru, along with other developing countries, must still make tremendous efforts to honour the requests for information presented by the Committee. That must be taken into consideration when sending successive requests for more information. It might be a good idea for the reports to be drawn up in light of the particular features of the situation in a given State — in particular, the experience a country may have in combating terrorism. When analysing a country's legislation, experts familiar with the country's legal system should participate.

As for the hiring of personnel and experts for the Counter-Terrorism Committee and the Counter-Terrorism Executive Directorate, my delegation considers that, in addition to making certain that persons of the highest degree of ability and competence be included, we must have professionals from all the geographical regions and all the legal traditions — some with governmental experience and others with non-governmental experience, including those who possess strategic abilities in terms of combating terrorism.

Finally, we believe that in complying with the terms of resolution 1566 (2004), the Council or the Committee should hold open meetings where we can learn from the experience of countries that have successfully confronted terrorism. That would be a valuable way to share lessons learned, to correct errors and to formulate better methods.

**The President**: I now give the floor to His Excellency the Foreign Secretary of Bangladesh.

**Mr. Chowdhury** (Bangladesh): At the very outset, let me commend Ambassador Denisov and Mr. Rupérez for their very eloquent reporting to the Council early this morning, which has to a great measure set the trend of the discussions that have followed. On a more general note, Sir, I congratulate your delegation most warmly, for your skilful leadership of the Council during the current month, and indeed for providing an opportunity for the open debate on this very important and crucial subject.

As the United Nations — mankind's greatest gift to itself — approaches six decades of existence, we recall that the single most important reason for its founding was the maintenance of international peace and security and ensuring global stability.

Today's debate assumes added significant as it takes place against the backdrop of the trend towards circumventing multilateralism in international affairs, particularly in the maintenance of international peace and security. We must reaffirm our unwavering commitments and pledges to the centrality of the role of the United Nations in establishing supremacy of the rule of law in all areas of international relations.

Bangladesh's position on terrorism has always been firm and consistent. It has condemned international terrorism in all its forms and manifestations and remains an active coalition partner in the war against terrorism. Bangladesh is party to several conventions on combating terrorism adopted at the international and regional levels, and we are committed to their effective implementation.

We consider that the heinous acts perpetrated by terrorists around the world pose a threat to international peace and security, and condemn such acts in the strongest terms. We believe that no cause can justify such cruel acts directed against civilians, including women and children. Our condemnation of the recent brutal killing of innocent schoolchildren in Beslan is a clear case in point.

We reiterate our call to convene an international conference under the auspices of the United Nations to define terrorism, to differentiate terrorism from the struggle for national liberation of peoples under colonial and foreign occupation and to conclude a comprehensive convention on international terrorism. The international community must also ensure that the fight against terrorism is conducted in conformity with the principles of the United Nations Charter, international law and the relevant international conventions.

Bangladesh welcomed all 14 resolutions -- including resolution 1373 (2001) — adopted since 2001 aimed at putting a stop to that universal scourge. Bangladesh is committed to those resolutions and cooperates actively in implementing the mechanisms created through those resolutions, including the Counter-Terrorism Committee. We also welcome the unanimous adoption of Security Council resolution 1566 (2004).

Bangladesh considers that putting in place enabling legislation that is in line with international and regional conventions on terrorism is vital for their implementation. The national parliament of Bangladesh has passed comprehensive legislation in that regard, including legislation on money-laundering, designed to curb the financing of terrorism.

Bangladesh believes that in order to fight the menace of terrorism effectively, it is important to take a deeper look at its root causes and to try to address them in a comprehensive fashion. Military response alone cannot eliminate terrorism; it must be combined with societal measures. We must therefore propagate cross-cultural harmony among different civilizations and across religious lines. The roots of poverty and the conditions that foster depredation, exploitation and deprivation should be addressed globally.

While our condemnation of terrorism has been stated and restated in unambiguous terms, we must at the same time not lose sight of the need to define terrorism.

Our efforts to pre-empt extremist thoughts and acts of desperation should focus on ensuring sustainable development for all the people on Earth. It is through a sincere and sustained focus on removing the prevailing sense of deprivation and marginalization among certain populations that we can try to effectively reduce the threat to international peace and security. Bangladesh calls upon all countries, particularly the developed countries, to implement their commitments for achieving the Millennium Development Goals by 2015. It is our conviction that the Goals can be best achieved against a backdrop of disarmament, reduced military expenditures, proper allocation of resources for poverty eradication and effective confidence-building measures.

Bangladesh strongly condemns all attempts at religious profiling of terrorism. Terrorism is a universal phenomenon and should be addressed collectively, in the best interests of humanity. We wish to reiterate that terrorism cannot be attributed to religion, race, nationality or civilization. Any attempt to do so, rather than tackling the problem objectively, will only help the terrorists by creating divisions among nations along religious and racial lines.

Bangladesh remains seriously concerned at the attempt by terrorists to acquire weapons of mass destruction. That is, indeed, a grave development that needs to be addressed collectively and with due urgency. We call upon all Member States to demonstrate the political will to re-energize the non-proliferation and disarmament activities that have been paralysed for several years. We must fulfil our obligation towards non-proliferation, nuclear disarmament and general disarmament in a transparent and non-discriminatory manner under effective international control. We believe that the most effective way to prevent terrorists from acquiring weapons of mass destruction is through the total elimination of such weapons.

**Ms. Kalay-Kleitman** (Israel): On behalf of my delegation, allow me to thank you, Sir, for your leadership of the Council for the month of October.

(*spoke in Russian*)

I thank the Permanent Representative of the Russian Federation for his briefing today on the work accomplished by the Counter-Terrorism Committee (CTC) and for Russia's leading role as Chair of the Committee.

(*spoke in English*)

I also congratulate Mr. Rupérez for the organization outline prepared for the Counter-Terrorism Executive Directorate.

The Security Council, especially since the tragedy of 11 September 2001, has elaborated in clear terms what is expected of each State in the global confrontation with terrorism. There are clear signposts set out by the Council and the CTC, which, together with the numerous anti-terrorism conventions and other international initiatives, form an impressive counter-terrorism architecture and a road map for action. Those include, for example, resolutions 1267 (1999), 1269 (1999), 1368 (2001), 1373 (2001), 1540 (2004) and now 1566 (2004), adopted just a few weeks ago at the initiative of the Russian Federation, which we welcome.

Those resolutions set out crucial normative standards and binding obligations for dealing with what is perhaps the greatest challenge to freedom and open societies in the first years of the twenty-first century. They reflect the position of an international community united against terrorism, and, if acted upon with resolve and without compromise, they can deal terrorism a decisive blow. The message that this Council has sent through those resolutions is clear: the threat of terrorism anywhere is a threat to people everywhere. By acting on that threat, separately and together, we can meet our legal and moral obligations and create the conditions for a more peaceful world.

The Council has reached a number of vital conclusions regarding the challenges posed by terrorism. The invocation of Chapter VII of the United Nations Charter, the strengthening of the CTC and the calls in resolution 1566 (2004) to consider new ways to confront terrorist organizations throughout the world demonstrate a collective understanding that we face a global threat of truly dangerous proportions. Sadly, those dangers have only multiplied, given the risks of non-conventional attacks by terrorist actors and the nexus in various parts of the globe between terrorists and tyrants. In the light of what we know about terrorist networks and the extremist ideology that feeds them, it is simply wrong to see those actions in localized contexts or as a trend that can be isolated to specific regions.

As too many of us have learned through painful experience, there is no possible legitimate reason that can explain away terror and no such thing as an acceptable targeting of innocents. There is no cause, grievance or claim that can justify those actions. Resolution 1566 (2004) sends that message clearly, without leaving any room for doubt or debate. It unequivocally states in paragraph 3 that terrorist actions are "under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature ...".

We all know what terrorism is. Even those apologists who still insist on using code words such as "resistance" or "freedom fighters" to blur the distinction between means and ends cannot hide from these clear statements. It is time for all of us to

internalize the message affirmed by resolution 1566 (2004) and to be clear in our statements and in our actions and resolute in the knowledge that the deliberate targeting of innocent people for political or ideological objectives is beyond the pale. There has never been a terrorist organization that did not claim to be acting for some noble cause, but as this and many other resolutions make clear, any organization, anywhere in the world, that sees the killing of innocents as a means to an end must be seen — without appeasement or apology — as a terrorist organization and as the enemy of humankind.

Building on the work of this Council, including especially resolution 1566 (2004), there is much that can and should be encouraged and developed beyond the capacity-building initiatives of the CTC. It is crucial that we take decisive action against terrorist incitement and against the regimes that allow terrorism and its support infrastructure to flourish, rather than shutting it down. The battle against terrorism will be won only if every State takes responsibility on the ground, according to its cardinal legal obligations, for the acts and encouragements to terrorism that emanate from its territory and if it is held accountable for its failures.

Our police departments, intelligence services and anti-terrorist experts must share knowledge and information. We must seek out modern technologies to protect civil aviation and homeland security, to combat the risks of the proliferation of weapons of mass destruction into the hands of terror organizations, to develop municipal responses, to share the experiences of medical first responders, and to seek channels for inter-religious cooperation. We have to examine aspects of terrorism's relationship with a range of legal and moral issues. Just last month, a three-day conference hosted by Israel's International Policy Institute for Counter-Terrorism in Herzliya allowed experts and practitioners from 35 countries to discuss all those issues.

Israel has with great interest offered its support to the counter-terrorism efforts of the CTC and to States and friends who seek to learn from our bitter experience. Israel has experts in a range of disciplines who could be at the Committee's disposal. Israel encourages the Counter-Terrorism Committee to intensify and expand its work so that it can effectively fulfil its mandate on the ground and begin to name, shame and isolate when necessary.

In closing, we must be reminded that the fight against terror must take place within the framework of domestic and international law, as stated, for example, in resolution 1566 (2004). In that context, it is important to appreciate that the fight against terrorism is itself a fight for the most basic of legal norms and the most basic of human rights: the right to life. The United Nations and the law must have an impact on implementation on the ground, providing safeguards against abuse and protecting the rights of innocents on all sides, but we should not provide a shield for the terrorists where none is warranted. We should not allow the law to be abused as a political weapon or to wrongly empower those seeking to take life, rather than those seeking to save it. Those individuals and their supporters who abuse and threaten humanitarian emblems, the sanctity of school rooms and even the safety of their own people have shown as little regard for the law as they have for life. They have no compunction about misusing our words and misrepresenting the law to serve their nefarious purposes. We must not let them.

**Mr. Kupchyshyn** (Ukraine): I have the honour to deliver my statement on behalf of Azerbaijan, Georgia, Moldova, Uzbekistan and my own country, Ukraine (GUUAM).

The time that has passed since the tragic events of 11 September 2001 has not extinguished the anger and indignation of humankind at those terrorist acts, nor has it soothed the pain and bitterness of the loss of innocent lives. The world continues to suffer from flagrant terrorist attacks perpetrated against innocent civilians, including children, women and elderly people. With feelings of deep sorrow, we learned of the tragedy that happened as the result of the capture by terrorists of a secondary school in the city of Beslan, in the Russian Federation, which claimed numerous victims. We have all been shocked at the many other recent terrorist attacks all over the world that have taken many innocent lives.

The GUUAM States strongly condemn terrorism in all its manifestations and call upon all countries to engage in full cooperation, both on preventing terrorist acts and on ensuring that their perpetrators are brought to justice. The reason behind terrorism is to create chaos and to disrupt the global system of peace and security established and promoted by our Organization. Therefore, the United Nations should continue to play a central part in our common struggle against

terrorism. In that fight, the leading role of the Security Council and its Counter-Terrorism Committee (CTC) should be preserved.

The GUUAM States are convinced that the Security Council should continue to use its unique potential in mobilizing the international community to fight terrorism. We trust that the establishment of an effective system of information exchange on terrorism would be helpful in preventing the spread of that evil. The framework for a global response to international terrorism, set by the Council, has to be maintained and reinforced.

We share the view that the CTC provides a valuable practical contribution to our common struggle. The CTC helps the world community to upgrade its antiterrorism capability and to deny space, money and support to terrorists. In that regard, resolution 1566 (2004) adopted by the Council earlier this month will further strengthen the essential coordinating role of the Council in the international campaign against the terrorist threat. We also hope that the Committee's Executive Directorate will be fully operational in the nearest future.

The CTC should continue to hold its proactive dialog with Member States. That achievement of the Committee will certainly help the international community to identify potential gaps and to find effective ways to address them. We welcome the CTC's activities in providing assistance to States for ensuring the effective implementation of Security Council resolution 1373 (2001). In that context, the GUUAM States would like to emphasize the importance of the endeavours of the Council to begin the visits of the CTC to States. In our view, such visits would facilitate the work of the mechanisms to monitor the implementation by States of their obligations and of providing appropriate assistance to them.

Promoting closer cooperation and coordination with international, regional and subregional organizations is also of the utmost importance. In our view, the Committee has had substantial achievements in that direction.

The GUUAM States, for their part, have committed themselves to consolidating their efforts in the fight against international terrorism and have reaffirmed their determination to provide political, legal and organizational bases for overcoming the challenges of international terrorism and related illegal actions. Attaching great importance to the strengthening of the GUUAM legal basis, the participating States have signed an agreement on cooperation in combating terrorism, organized crime and other dangerous types of crime, which, we hope, will soon come into force. Fully recognizing the danger posed by the use of the proceeds of crime to finance terrorist activities, the GUUAM Governments are examining the possibilities of establishing close interaction between GUUAM and the Financial Action Task Force.

In order to enhance cooperation within GUUAM on combating terrorism and organized crime, concrete projects are under elaboration. Furthermore, GUUAM has taken steps to establish interaction at the parliamentary level. The GUUAM Parliamentary Assembly, which was established less than a month ago, has defined one of its priorities as strengthening regional security and the fight against global terrorism, organized crime and illegal drug circulation.

In conclusion, let me emphasize that the character and scope of the CTC's mandate and working methods represent an important innovation and open up new possibilities for inter-State cooperation. I wish to reiterate GUUAM's continued support for the CTC in the discharge of its important duties.

**Mr. Butagira** (Uganda): For some years, Uganda has been fighting a lone battle in the northern part of the country against a brutal, vicious rebel group known as the Lord's Resistance Army (LRA). The group has killed, maimed or mutilated children as well as adults. They have no political agenda beyond sheer barbarism and cannibalism. Those horrors have not been on the radar of the international community, despite the fact that they are well known and documented. It took the events of 11 September 2001 for the world to realize that terrorism was a threat to international peace and security.

In the wake of the attacks of 11 September, the Security Council adopted resolution 1373 (2001), on counter-terrorism. The resolution was mainly aimed at Al Qaeda and the Taliban, and was limited in scope. Yet terrorism is terrorism, wherever it occurs and regardless of who commits it. Now, with the recent brutal murder of Russian school children, the point has been brought home that there should be no lull in the fight against terrorists. The delegation of Uganda therefore welcomes resolution 1566 (2004), which was

long overdue. Before I comment on that resolution, let me say the following.

Uganda has been pressured to talk to the murderous LRA rebels. Unfortunately, that has the effect of appeasing and encouraging the rebels in their murderous adventure. Terrorists should be fought, and not appeased. The crusaders of the gospel of peace talks have not, in the same vein, urged a dialogue with Bin Laden. Sometimes the double standards make one sick.

That said, Uganda has nevertheless offered to talk with the rebels. Not surprisingly, they have not responded, as they have no political agenda. Our offer to them still stands, if they lay down their arms. We also have an amnesty in place. Those who have responded have been welcomed and reintegrated into society. In the meantime, the war against them is almost over, with large numbers of rebel commanders captured or killed. I can do no better than to quote the words of one of the top rebel commanders to have been captured, Brigadier Kenneth Banya. He said, in appealing to his boss to respond to the amnesty, "Don't let the amnesty period expire while you are still in the bush. Time for rebellion is over. Don't go back to Sudan, where you will surely die."

Many abducted children and adults, including the terrorist leader's wives, have been freed. Internally displaced persons will soon go back to their homes. Although we still need humanitarian assistance, the situation is not as bleak as the one painted by our detractors. Children are going to school in the region, and the Government recently paid school fees for all students whose parents are in camps. We are grateful to agencies such as UNICEF for their assistance in that regard.

Resolution 1566 (2004) has made it clear that all intentional acts of violence against civilians are criminal and unjustifiable, whatever the motivation — whether political, philosophical, ideological, racial, ethnic or religious. That resolve on the part of the international community, as epitomized by the resolution, is commendable. Although the resolution falls short of coming out with a global blacklist of terror suspects and groups, it has nevertheless established a Security Council working group that will work on measures and procedures to deal with terror suspects outside of Al Qaeda and the Taliban. It is Uganda's hope that that process will be concluded soon, so that the likes of LRA or similar rebels are dealt with conclusively.

Terrorists must be brought to justice in order to discourage a culture of impunity. In Uganda we have asked the International Criminal Court to investigate and to have Joseph Kony, the leader of the LRA, and his gang prosecuted. Investigations are now taking place, and it is our hope that an international arrest warrant will soon be issued against them. We expect States to comply with such an arrest warrant by arresting said criminals if they happen to be on their territory. But we are saddened by some voices calling for Uganda to withdraw the case from the Court on the grounds that that would encourage Kony and his gang to attend peace talks. We are not impressed by that argument. There should be no compromise. Impunity must be punished if terrorist acts are to be discouraged.

Resolution 1566 (2004) calls for more effective procedures to bring to justice those involved in terrorist activities through prosecution or extradition, the freezing of their financial assets, preventing their movement through the territories of Member States and preventing them from being supplied with arms and related materials of any kind. Uganda has on numerous occasions, both in the open debates of the Council and in its relevant letters to the Council, which are part of this body's documents, called on the international community to institute such measures. My delegation is therefore glad that the Security Council has now come up with such proposals. We are also pleased that those measures are under Chapter VII of the Charter of the United Nations.

We call on all States to work together to eliminate the menace of terrorism.

**The President**: I now give the floor to the representative of the Republic of Korea.

**Mr. Kim** San-hoon (Republic of Korea): My delegation appreciates this opportunity to participate in this open debate. I also would like to thank Ambassador Denisov and Executive Director Rupérez for the briefings they gave this morning.

The Republic of Korea shares the view that the international community should redouble its concerted efforts to combat terrorism, which is sadly becoming bolder and more savage day by day. My delegation also shares the view that the Security Council should assume central authority in those endeavours.

We believe that resolution 1373 (2001) and the Counter-Terrorism Committee (CTC) have played a key role thus far in providing and coordinating a legal and institutional framework for international, regional, subregional and domestic undertakings in that regard. We greatly appreciate the CTC's ongoing assistance to individual countries to enhance their counter-terrorism capacity, particularly in the domains of law and administration. Those efforts should be further strengthened and upgraded through the full-fledged operation of the Counter-Terrorism Committee Executive Directorate. My Government has been, and will continue to be, active in cooperating with the CTC.

Along with the revitalization of the CTC, we attach great significance to the adoption of resolution 1566 (2004) earlier this month. My delegation commends the unity and solidarity that the Security Council has shown on that crucial matter. We followed closely the process of negotiating the text of the resolution, listening attentively to what Council members had to say. We believe that the effort to find common ground for defining terrorism and terrorists is an important exercise. The attempt to develop a consolidated list of terrorists throughout the world is also vital, even if the task is extremely challenging. The international community must come together on this issue. We cannot afford even the slightest crack in our united front against acts of terrorism.

The Republic of Korea looks forward to the establishment of a new Security Council working group, which we believe will broaden and enhance the capabilities of the international community to deal with terrorism.

In that context, we reiterate the importance of coordination and cooperation among the relevant subsidiary organs of the Security Council, including the Counter-Terrorism Committee, the Al Qaeda/Taliban sanctions Committee, the Committee established pursuant to resolution 1540 (2004) and the new working group, as well as between those groups and other international, regional and subregional entities that are involved in combating terrorism.

Each country must do its part in the global campaign against terrorism. In that regard, the Republic of Korea has taken a number of practical measures. Domestically, we have created a National Committee on Counter-Terrorism under the Office of the Prime Minister, which will coordinate all of our Government's counter-terrorism activities, reviewing and strengthening our legal and administrative framework. At the regional level, we have promoted international cooperation, most recently by hosting the Association of South-East Asian Nations Regional Forum (ARF) seminar on cyber-terrorism, which we co-chaired with the Philippines. That was the first time that the ARF had gathered to discuss this matter. In addition, we continue to pursue bilateral agreements on judicial mutual assistance, and we are already party to the 12 terrorism-related international conventions and protocols.

In closing, we believe that the United Nations must continue to promote cooperation by leading the way with bold ideas, and also by disseminating the ideas generated within regional and subregional groups. Only through concerted action at every level can we defeat the scourge of terrorism.

**The President**: I now give the floor to the representative of Malaysia.

**Mr. Rastam** (Malaysia): My delegation is pleased to address this public meeting of the Security Council. We welcome the report of the Counter-Terrorism Committee (CTC) on the implementation of resolution 1373 (2001) and the issuance of its work programme for its thirteenth 90-day period (S/2004/820, annex). We would like to express our sincere appreciation to Ambassador Andrey Denisov, Chairman of the Counter-Terrorism Committee, for his clear and comprehensive report and his presentation of the work programme, as well as for his personal commitment to the Committee's work. We also thank Mr. Javier Rupérez, Executive Director of the Counter-Terrorism Executive Directorate, for his presentation.

My delegation is encouraged by the reaffirmation that the Committee will intensify its efforts to monitor and promote the implementation by United Nations Member States of all aspects of resolution 1373 (2001), operating on the principles of cooperation, transparency and equal treatment.

My delegation welcomes the Council's August 2004 endorsement of the organizational plan of the Counter-Terrorism Committee Executive Directorate (CTED). The stage has now been set for the implementation of the plan to make the new structure operational. As the establishment of the CTED was aimed at strengthening the CTC and providing it with

additional tools and resources, we welcome the Committee's efforts to ensure the full operational status of the CTED, to maintain a close and cooperative relationship with the Executive Director and his staff and to further increase the Committee's capacity, including through enhanced cooperation with the Al Qaeda/Taliban sanctions Committee and the Committee established pursuant to resolution 1540 (2004).

I should like to inform the Council that Malaysia has fulfilled all its obligations as set out in paragraph 6 of Security Council resolution 1373 (2001). We submitted our fourth report on 17 September 2004 in response to the queries of the Committee. In that respect, we note the delay in the submission of reports by some Member States. We urge the Committee to identify the reasons behind the delay and take appropriate steps to assist those States. We might also ask whether the delay could be attributed to the process being burdensome to Member States, thus leading to a case of "reporting fatigue". This might then merit an effort by the CTC to find new and creative ways of handling the question of reporting by Member States.

We recognize that, in order for the Committee to be able to function effectively, visits by the CTC to Member States are essential. We note that the Committee has adopted general guidelines for conducting CTC visits to Member States. Through these visits, it can bring to the attention of the Council the shortcomings in the implementation by Member States of resolution 1373 (2001), highlighting some of the successes and failures, as well as providing recommendations to improve the overall process.

Malaysia cannot but further emphasize the importance of providing technical assistance to Member States to enhance their counter-terrorism capacity. We welcome the fact that this remains one of the fundamental commitments of the CTC. Raising national capabilities is not just a matter of transferring funding and know-how. It also requires permanently changing the priorities of the international community to ensure that Member States uphold their responsibilities and meet their commitments. We welcome the Committee's development of the Directory of Counter-Terrorism Information and Sources of Assistance, as well as the Assistance Matrix. We like the idea of not just Member States but also relevant organizations submitting information on international best practices, codes and standards relevant to the implementation of resolution 1373 (2001) and on assistance and guidance in implementing those best practices, codes and standards.

No region in the world is spared from the scourge of terrorism. In preserving the peace and stability of the South-East Asian region, there is a need for solidarity and a united response to terrorism and terrorists' activities among regional countries. Towards fulfilling that need, Malaysia has made an effort to establish the South-East Asia Regional Centre for Counter-Terrorism as a centre for training and capacity-building in the prevention of terrorist activities, the management of terrorism-related situations and the enhancement of public awareness about countering the threat of terrorism. Since its inception, the Centre has conducted and participated in various workshops, seminars and courses on terrorism to train and upgrade the capabilities of agencies and participants, both those from Malaysia and other interested parties. Malaysia is very appreciative of the support from all the countries of the Association of South-East Asian Nations, as well as positive responses from other countries, including the United States, the United Kingdom, France, Germany, Spain, Canada, Italy, Australia, Japan, New Zealand and the Republic of Korea, and from the European Commission. Malaysia also welcomes cooperation from other interested countries in organizing relevant training courses. The CTC may wish to examine the possibility of cooperating with the Centre.

In conclusion, my delegation wishes to reiterate Malaysia's commitment to work with other States to effectively contain and rout the threat of terrorism. Malaysia believes that, given the apparent reach of terrorist organizations and the threat they pose to the collective peace, security, stability and economic well-being of all nations, only a concerted and unified effort will enable the international community to succeed in this important undertaking.

Malaysia reiterates its commitment to comprehensively fight terrorism at the domestic, regional and international levels, in cooperation with all countries, in accordance with the norms and principles of international law and the Charter of the United Nations.

**The President**: I now give the floor to the representative of Nigeria.

**Mr. Wali** (Nigeria): I thank you, Mr. President, for convening this open meeting of the Security

Council to review the work of the Counter-Terrorism Committee (CTC). Permit me to also use this opportunity to express appreciation to the Chairman of the Committee for his briefing on the work of the CTC, as well as to commend the Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED), Ambassador Javier Rupérez, for the efforts made to implement the mandate of the Directorate.

Terrorism remains a serious threat to national, regional and international peace and security. It constitutes a deliberate violation of the fundamental principles of law, order and human rights and seeks to destroy both physical and economic infrastructure. Terrorism poses a grave threat to the territorial integrity and stability of States. The scope of this danger is captured in the following words of Secretary-General Kofi Annan,

> "Terrorism is a global threat with global effects. Its methods are murder and mayhem, but its consequences affect every aspect of the United Nations agenda — from development to peace, to human rights and the rule of law. No part of our mission is safe from the effects of terrorism, and no part of the world is immune from this scourge." (*S/PV.4618, p .3*)

No effort should be spared, therefore, to confront and eliminate this scourge from our world.

In that connection, we commend the CTC for its work in fulfilling its mandate of monitoring the implementation of Security Council resolution 1373 (2001).

It is noteworthy that, in the slightly more than two years since its creation, the Committee has been able to mobilize Member States in a sustained fight against terrorism. Indeed, as a result of its efforts, a growing number of Member States have either acceded to or ratified the various relevant multilateral conventions and protocols on the subject. In addition, the improved collaboration between the CTC and the Committee on Al Qaeda and the Taliban has generated confidence among Member States, which now share information, thus enabling the Committee to assess country-specific needs. Nigeria is particularly pleased that our country, along with two others in our subregion, just last week received the Monitoring Team of the Committee, with which valuable information was exchanged. We believe that this will enhance cooperation between the Committee and Member States.

The fight against terrorism is a daunting challenge. Despite our resolve, terrorists have continued to cross international boundaries and to wreak havoc in their victims' societies. The series of heinous attacks following the 11 September 2001 tragedy in New York — in Indonesia, India, Turkey, Kenya, Egypt, Saudi Arabia and Spain — as well as the dastardly murder of the Special Representative of the Secretary-General and 21 others in Baghdad, show how depraved terrorists are. It is therefore necessary that we not let down our guard as far as terrorists are concerned.

We urge all Member States to sign and ratify the main anti-terrorism multilateral treaties and to implement the relevant resolutions, particularly the International Convention for the Suppression of the Financing of Terrorism and Security Council resolution 1267 (1999) imposing sanctions on Al Qaeda and the Taliban. Such action would send a powerful message as to the resolve and unity of the international community to fight terrorism and would lead terrorists of whatever stripe to realize that they have no safe haven.

We believe that the CTC must be adequately funded and staffed in order to continue its work. We should also ensure that adequate technical assistance is extended to States, especially developing countries, which are largely ill-equipped to meet the reporting needs of the Committee. Of no less importance is the need for Member States to close those loopholes that enable terrorists to acquire arms.

We commend the workshops and training courses on combating crimes related to international terrorism, organized by the United Nations and other organizations, including the International Civil Aviation Organization, the International Maritime Organization and the International Atomic Energy Agency. We believe that this will strengthen the capacity of Member States to contribute to global efforts to combat terrorism.

We believe that the publication of the second volume of the United Nations Legislative Series — comprising national laws and regulations regarding the prevention and suppression of international terrorism in all its forms and manifestations – will serve as a useful tool towards the same end. We urge the CTC to

explore further areas of collaboration, pursuant to its mandate.

The disagreement on articles 18 and 2 bis of the draft comprehensive convention on international terrorism and on article 4 of the international convention on the suppression of nuclear terrorism has stalled efforts to finalize work on the two legal instruments.

Nigeria is concerned that the apparent lack of progress in reaching consensus on the draft conventions might have the negative effect of sending the wrong signal to the perpetrators of terrorist acts. My delegation therefore calls on all others to demonstrate the required flexibility and political will in order to arrive at a consensus and finalize those instruments without prejudice to respect for fundamental human rights, the rule of law and other democratic principles.

Our common endeavour to fight terrorism should go hand in hand with determined efforts to identify and eliminate those factors that fuel it. Its root causes include festering conflicts exacerbated by the proliferation of small arms and light weapons as well as by illicit arms trafficking across borders, in addition to pervasive poverty, particularly in developing countries. We should deny terrorists any opportunity to use or exploit those factors to further their causes.

Nigeria reaffirms its commitment to the full implementation of the mandate of the Counter-Terrorism Committee and that of the Counter-Terrorism Executive Directorate, and of the relevant international conventions and protocols for combating terrorism. In accordance with Security Council resolution 1373 (2001), we have established the appropriate mechanisms to give effect to its provisions.

In our subregion, we have intensified collaboration with other member States of the Economic Community of West African States (ECOWAS) to confront the menace. In a few days' time, ECOWAS will host a meeting on strategies to combat terrorism and related crimes, such as drug trafficking, trafficking in humans, and money laundering. At the continental level, the African Union has been engaged in effort to curtail terrorism in all its manifestations. For example, at the second High-level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, held at Algiers from 13 to 14 October 2004, African countries resolved to create an African centre for the study of and research on terrorism.

In conclusion, Nigeria remains convinced that international cooperation is indispensable to a successful campaign to counter and neutralize this transnational crime. I wish to reiterate Nigeria's unwavering commitment and support towards that end.

**The President**: The next speaker is the representative of Samoa, to whom I give the floor.

**Mr. Elisaia** (Samoa): It is my honour to address the Council on behalf of the members of the Pacific Islands Forum group of countries that maintain permanent missions in New York, namely Australia, the Federated States of Micronesia, Fiji, the Republic of the Marshall Islands, Nauru, Papua New Guinea, Palau, New Zealand, Solomon Islands, Tonga, Tuvalu, Vanuatu and my own country, Samoa.

The countries of the Pacific Islands Forum group reaffirm our unequivocal condemnation of terrorism in all its forms and our continuing determination to fight it by all means possible, consistent with human rights and the rule of law.

Recently we have witnessed once again the horror of terrorist atrocities — in Beslan, in Jakarta and elsewhere. Those attacks underline the fact that while terrorism may transcend national borders, its indiscriminate nature means that no people or country will ever be immune to the threat of terrorist violence.

Terrorism is now more than ever a threat that must be confronted by a collective international response. It is clear that if we are to effectively eliminate this global threat, we must take action at the national, regional and international levels.

Pacific Islands Forum members are committed, individually and collectively, to the international campaign against terrorism. In the 2002 Nasonini Declaration on Regional Security, Pacific Forum leaders

> "underlined their commitment to the importance of global efforts to combat terrorism and to implement internationally agreed anti-terrorism measures, such as United Nations Security Council resolution 1373 (2001) and the Financial Action Task Force Special Recommendations".

Subsequent communiqués by Forum leaders have reiterated Forum members' commitment to combating terrorism.

The Pacific Islands Forum continues to support the work of the Counter-Terrorism Committee (CTC) established under Security Council resolution 1373 (2001). We also welcome the recent adoption of resolution 1566 (2004), which further endorses the work of the United Nations committees responding to terrorism and establishes a working group to consider further measures which could be taken. In our most recent statement on this issue in March 2004, we welcomed the report of the CTC on its revitalization and the establishment of the Counter-Terrorism Committee Executive Directorate (CTED), aimed at improving the ability of the CTC to monitor the implementation of resolution 1373 (2001). We look forward to cooperating closely with the CTED in identifying and providing the capacity-building needed most by small developing countries.

Security Council resolution 1373 (2001) introduced important new multilateral counter-terrorism obligations. It set out clear requirements and called on States to implement specific measures to meet them and then to report back to the CTC on their actions taken in that regard. For Pacific Islands Forum members, the focus to date has been on cooperation to improve our capacity to meet international counter-terrorism obligations. Pacific Islands Forum members are continuing to cooperate bilaterally and regionally, in both political and technical spheres, to implement resolution 1373 (2001).

Progress is being made. In May 2004, New Zealand hosted a Pacific round table on counter-terrorism. It brought officials from around the Forum region together to take stock of the range of current and imminent counter-terrorism obligations, canvass impediments to implementation by Pacific island countries and to review current and future capacity-building programmes.

At the Pacific Islands Forum meeting in Samoa this year, leaders called for enhanced cooperation on counter-terrorism and endorsed a number of practical initiatives proposed by round-table participants. Those included establishment of a network of central contact points, a counter-terrorism working group in advance of the 2005 meeting of the Forum Regional Security Committee, further work on extradition and mutual legal assistance and coordination of views on the possibility of holding a regional counter-terrorism contingency planning exercise. Leaders also welcomed the establishment of the Pacific Transnational Crime Coordination Centre (PTCCC) in Suva, Fiji, which will harness and enhance the law enforcement intelligence generated by national transnational crime units.

Those regional efforts underscore the willingness of Pacific Forum States to play a responsible and meaningful role in the global fight against terrorism. But for those initiatives, including the PTCCC, to be fully operationalized, financial and technical support will be required from the international community to complement the region's own resources.

While Pacific Islands Forum members remain firmly committed to the international campaign against terrorism, I would like to emphasize that the Pacific Islands Forum group consists primarily of developing States, many of them small island States. We note that small developing countries do not always have opportunities to provide input into the process of developing international counter-terrorism standards. As a result, such standards may not adequately reflect or make allowances for the challenges that many of us face in implementing them. Compliance with the raft of international counter-terrorism standards — particularly those introduced since 9/11 — has been challenging; meeting reporting requirements, including to the CTC, is equally so.

It is not a lack of will, but more often a lack of resources and technical expertise, that prevents us from fulfilling our commitments. Thus we welcome and encourage consultation between Member States and the CTC that aims to extend assistance to small and developing States and that are focused on devising practical solutions to those challenges — solutions that help reduce the burden on smaller developing States but that will also ensure that the important CTC reporting requirements can be met. For example, we would encourage the CTC to consider whether a Pacific regional report, submitted by the Pacific Islands Forum Secretariat on behalf of and in close cooperation with its member countries, might provide a possible option to assist those small island countries to meet their reporting obligations to the CTC.

We live in a time when terrorism is a threat to us all. As we strive to meet that threat and as we work to implement the letter and spirit of resolution 1373

(2001), the Security Council and the Counter-Terrorism Committee can be assured of the continuing support of the members of the Pacific Islands Forum.

**The President**: I now give the floor to the representative of El Salvador.

**Ms. Gallardo** (El Salvador) (*spoke in Spanish*): On behalf of the delegation of El Salvador, Mr. President, we would like to say how gratified we are to see you presiding over the Council for the month of October. We are also grateful to you for giving us the opportunity to speak on this topic, which is of such great importance and concern for all members of the international community.

At the end of the general debate during the present session of the General Assembly, it was clear that one of the priorities of each and every State is national, regional and international security. For all of us threats and challenges have gained a global dimension, with no frontiers or limits to their destructive forces, and are having a tremendous impact on the political, social and economic order of our peoples. Those global challenges surpass the capacity of individual States to address and, therefore, require a consistent, coordinated and comprehensive response from a multilateral perspective.

The scope and impact of terrorist acts committed in recent years in the United States, Spain, Russia, Indonesia and the Middle East, among others, demonstrate the reality of terrorism as a permanent threat to all nations. We are thus compelled to further strengthen all possible anti-terrorism cooperation mechanisms at the bilateral, subregional, regional and global levels.

El Salvador cannot hold back from or ignore the importance of the fight against terrorism and the efforts that are being made to establish a safer, more stable world, particularly from the standpoint of collective security. In that regard, my country, having lived through a civil conflict in the 1980s in which violence and terrorism had a tremendous impact on the Salvadoran people, cannot forget that our commitment to the international community impels us to seek all initiatives and mechanisms designed to prevent violence. We are convinced that the security and stability of the nation is an essential prerequisite for the implementation of a national development plan aimed at improving living conditions for the population.

El Salvador supports all measures and initiatives to promote the goals mentioned earlier, and in that regard and in keeping with our capacities and resources we have implemented the commitments and undertakings that we have committed ourselves to within the framework Organization of American States and the United Nations to combat international terrorism in all its manifestations. El Salvador is a party to the Inter-American Convention Against Terrorism. We have participated actively in the work of the Inter-American Committee Against Terrorism. We also hosted the third session of that Committee in January 2003.

We must emphasize that security in the hemisphere is a priority for the countries in our region, and we try to strengthen it by promoting measures to increase mutual confidence and security. That is why we participated with great alacrity — and in order to acquire more experience in the area — in the special conference on hemispheric security held in Mexico in October 2003. That meeting elaborated a multidimensional approach to traditional and new threats, ranging from human security to State security and including aspects of democratic and cyber security. In addition, at the Ibero-American level, El Salvador ratified the Ibero-American convention against terrorism. Within the United Nations context, of the existing 12 anti-terrorism conventions and protocols, El Salvador has ratified 11, and we are in the process of ratifying the Convention on the Physical Protection of Nuclear Material.

Turning to the implementation of resolution 1373 (2001), which established the CTC and set out its mandate, El Salvador has taken the necessary measures to comply with it. For example, we have submitted four national reports and are about to hold a meeting to determine what cooperation we need in order to fully comply with the recommended measures to fight terrorism.

At the national level in El Salvador, we have created an Inter-Institutional Group Against Terrorism to coordinate national efforts and contribute to preparing the CTC reports. This institution will be important in following up, evaluating and recommending the measures and strategies for combating terrorism that our Government considers timely. Currently, the Inter-Institutional Group is working on drafting a special law against terrorism that will directly link our national legislation with the

international conventions and protocols adopted on this issue.

At the Central American level, we are following up on the Central America's united declaration against terrorism adopted in September 2001, to examine and adopt coordinated measures to promote the fight against this scourge. Far from duplicating initiatives, it is about cooperating on the commitments and objectives established in the implementation of the Central American Democratic Security Model, created in 1995, which is followed up and coordinated by the secretariat for the Central American Integration System.

As regards the efforts of our Organization in combating terrorism, it has been said that the United Nations contribution has been negatively affected by the imposition of some mandates and programmes and by certain deficiencies in the general response and in specific mandates, as well as in the amount of resources assigned to carry out these measures. This situation was reflected and acknowledged in the advisory group's report on the United Nations and terrorism. This situation, we feel, must be examined substantively and in depth in order to make any necessary changes and thus meet the expectations of States.

In this regard, we feel that in order to improve the effectiveness and efficiency of United Nations efforts against terrorism, we need to rely on the following elements. The United Nations must be a coordinating centre of the fight against terrorism. Its mandate should promote an ongoing multilateral effort, and it should implement a coordinated policy between United Nations organizations and national, regional and global organizations, as seen in resolution 1566 (2004). Multilateral action should be unified, coherent and consistent, with a joint vision that must be evaluated periodically in order to introduce any corrections that are necessary in the fight against terrorism.

We must examine and rationalize mandates and the use of resources to be more effective in our anti-terrorism goals. We therefore support the establishment of a unit within the United Nations system to centralize decision-making in an ongoing and impartial manner. It is important that technical assistance and cooperation between Member States in the fight against terrorism, particularly as regards developing countries, be more practical and expedient, so as to improve the capacity of those countries.

We share the Secretary-General's view contained in his report on the work of the Organization that combating terrorism:

> "must not take place at the expense of the fundamental freedoms and the basic dignity of individuals. Success in defeating terrorism can come only if we remain true to those values which terrorists eschew." (*A/59/1, para. 77*)

In my delegation's opinion, it would be extremely worthwhile and important to create a group of eminent personalities with a mandate to prepare a report on the reasons and causes that drive people to commit terrorist acts. Through that diagnosis of reality, hopefully measures corresponding to that reality can be adopted.

I would like to conclude by pointing out two issues that in our opinion are fundamental and complementary. From the United Nations perspective, we support the efforts under way to draft a comprehensive convention on terrorism and an international convention concerning the suppression of nuclear terrorism, which would formally complete the international legal framework for fighting terrorism. We deem timely the holding of a high-level conference under the auspices of the United Nations to formulate an organized joint response to terrorism in all its forms and manifestations, which would bring us closer to a definition of terrorism and of the difference between terrorism and the right to self-determination.

Finally, we feel that the security and stability of every State can be better guaranteed if the fight against terrorism is complemented with efforts to eliminate the structural causes that lead to desperation and to the formation of radical positions within societies.

In order to comply with the purposes and principles established in the Charter to promote friendly and cooperative relations among States, including the fundamental principle of respect for human dignity, my country reiterates its full commitment to you, Mr. President.

**Mr. Rock** (Canada): Canada welcomes the report today of the Counter-Terrorism Committee (CTC) with respect to its structure and activities. We want to congratulate the Chairman and the members of the CTC for their very productive work. Canada also

welcomes this occasion for an open debate. We understand what an investment of time it is by the Council, but we do regard it as a valuable opportunity, not only to generally remind States of our collective responsibility in relation to terrorism, but also to permit us to give an account of our own activities that are consistent with the priorities identified by the Council.

We very much appreciate the progress the CTC has made, particularly in taking its work into a new phase with the establishment of the Counter-Terrorism Executive Directorate (CTED). The CTED will now permit the Committee to take its organizational plan, adopted in August, to the next stage. The Executive Director will have flexibility in taking that work forward, and we anticipate the implementation of the plan, along with the setting of priorities and objectives, because the critical work of the CTED must have a clear sense of direction.

We also understand that positive consideration is being given to hiring a human rights expert. Canada welcomes that development. We strongly support such a step. Part of the work of the Directorate will clearly be to coordinate technical assistance. In that respect, allow me to say that Canada is establishing a counter-terrorism capacity-building programme as part of our new national security policy. The objective of the programme will be to provide training, technical and legal assistance and expertise to enable partner countries to prevent and respond to terrorist activity in a manner that respects international human rights norms and standards.

This Canadian programme is intended to respond to the call in Council resolution 1456 (2003) for States to assist one another to improve their capacity to prevent and fight terrorism. The Government of Canada takes this responsibility very seriously, recognizing that this global threat requires a global response. We will work closely with the CTC, with participants in the Group of Eight's Counter-Terrorism Action Group and with others to engage in joint activities to ensure that this assistance is provided in a coordinated manner.

*(spoke in French)*

Canada would also like to take this opportunity to welcome the adoption, at the initiative of the Russian Federation, of resolution 1566 (2004). The United Nations plays a central and coordinating role in the global fight against terrorism. We therefore appreciate the efforts of the Security Council to involve States not members of the Council in these issues. We trust the Council will continue these efforts to provide opportunities such as today for all Member States' views to be heard and taken into account. Transparency and inclusiveness, wherever and whenever possible, strengthen the effectiveness of the Organization's efforts in the fight against terrorism.

**The President**: I thank the representative of Canada for his admirable concision.

I now call on the representative of Nepal.

**Mr. Sharma** (Nepal): Thank you very much, Mr. President, for providing the general membership of the United Nations with the opportunity to share their views on threats to international peace and security caused by terrorist acts.

Indeed, terrorism has become a major threat to international peace and security. It has claimed mostly innocent victims, whether in New York, Washington, D.C., Riyadh, Moscow, Bali, Beslan, Madrid, Casablanca, New Delhi or Multan. Nepal, too, is being devastated by terrorism. The so-called Maoists have been waging a war of terror in the Himalayan Kingdom, brutally killing ordinary people, abducting children, destroying private property and public infrastructure and extorting money from the people. Besides, our people have yet to overcome their revulsion at the slaying in cold blood of 12 innocent Nepalese hostages by militants in Iraq. There is no moral, ethical, political or other type of justification for acts of terrorism, and Nepal strongly condemns terrorism in all its forms and manifestations.

Confronting terrorism requires efforts at the national, regional and global levels. His Majesty's Government is seeking dialogue to find a peaceful settlement to the Maoist problem. Meanwhile, the Government is also committed to protecting the life and property of people by strengthening security measures. We have recently reinforced legal provisions to effectively combat terrorism. At the regional level, Nepal has been working very closely with other South Asian countries to find a durable framework and tools to tackle the problem of terrorism. At the global level, we recognize the centrality of the United Nations. We support the global war on terror, and we commend the United Nations for its efforts to address the menace of terrorism.

The Security Council is at the forefront of United Nations counter-terrorism measures. The Security Council Committees established pursuant to resolutions 1267 (1999) and 1373 (2001) have been doing remarkable work that should be continued. Nepal has been working closely with those Committees and hopes that the Counter-Terrorism Committee (CTC) will be able to support us in meeting our reporting obligations. Resolution 1566 (2004) of 8 October 2004 added a new building block to the United Nations endeavour to grapple with this menace; it will help dry up the sources of funding for terrorist acts and groups.

We sincerely hope that the working group constituted pursuant to resolution 1566 (2004) will help foster international cooperation, suggest practical measures and implement a common and coherent strategy to come to grips with terrorism. Nepal welcomes and supports the Council's adoption of resolution 1566 (2004). We are prepared to work in close collaboration with the working group. That being said, Nepal would have appreciated it if the Council had had an open debate before a resolution of such overarching significance was adopted.

In our view, Security Council resolutions against terrorism are extremely important, but they are largely stopgap measures with no legislative foundation. To put in place a lasting framework for international cooperation aimed at dealing with the problem of terrorism, we need to agree on the draft comprehensive convention on international terrorism and on the draft international convention for the suppression of acts of nuclear terrorism. Nepal calls on Member States to redouble their efforts to have those draft conventions finalized and adopted on a priority basis. The conventions will embody humanity's collective will and determination to confront the scourge of terrorism. They will not be a panacea, but they will certainly go a long way towards mitigating and minimizing the threat of terrorist acts.

**The President**: I now call on the representative of Indonesia.

**Mr. Percaya** (Indonesia): I should like at the outset, on behalf of my delegation, to express our sincere appreciation to the members of the Security Council for convening this open debate on the agenda item "Threats to international peace and security caused by terrorist acts". I would also like to take this opportunity to express our appreciation to the Chairman of the Security Council's Counter-Terrorism Committee, His Excellency Mr. Andrey Denisov, for his informative briefing on the activities of the Committee.

The Government of Indonesia has consistently been of the view that we need global cooperation and involvement — with the United Nations at its centre — to effectively combat international terrorism. It is to the Organization that Member States must turn to ensure that the instruments for eradicating this menace are multidimensional in nature. Indonesia believes that, in the absence of such approaches, solutions can be only temporary and limited in nature. It is self-evident that such approaches will be successful only if they are carried out under multilateral auspices. Without such an approach, efforts to deal effectively with terrorism will only fall short of their fundamental objectives.

Long before the terrorist attacks in September 2001, we ourselves were the unfortunate victims of acts of terrorism. We know very well the pain, the suffering and the devastating effects that terrorists have brought to our society. As a result, Indonesia has begun to enforce various measures to mitigate this menace. At the national level, a series of decisions and steps have been taken, not only to expose the perpetrators of terrorism but also to successfully prosecute them. Those measures have been carried out strictly within the framework of the rule of law, democratic processes and non-discriminatory norms, and they have thereby gained the public's confidence. Indonesia, bearing in mind that terrorist networks and activities transcend national boundaries, has been cooperating at the bilateral, regional and multilateral levels.

Indonesia welcomes the adoption of Security Council resolution 1566 (2004) on international terrorism. We believe that its unanimous adoption will further intensify the international community's efforts to combat this evil. The resolution not only condemned all acts of terrorism in all their forms but also stressed the need to strengthen judicial cooperation — particularly with respect to prosecution and extradition — which has been recognized as a fundamental principle. The resolution also established a working group whose task will be, among other things, to consider and submit information regarding individuals, groups or entities involved in or associated with terrorist activities.

Indonesia recognizes that seeking to impose practical measures to prevent and punish terrorists is

only one side of the coin. The other side is ensuring that such measures are taken in accordance with international law and with respect for human rights. In this context, we believe that the working group would benefit from lessons learned and the experience of the Al Qaeda sanctions Committee in establishing a consolidated list.

I should like now to turn to the CTC work programme for the thirteenth 90-day period, which covers the months October through December 2004. Indonesia welcomes and supports the programme, which in our view will continue to enhance the effectiveness of our counter-terrorism measures. In this connection, Indonesia supports measures intended to enhance the counter-terrorism capabilities of Member States.

Finally, I would like to stress the conviction of Indonesia that terrorism is the problem of every nation and that we can best fight and vanquish this menace through multidimensional and multilateral approaches based on international law and respect for human rights. Indonesia is one such party and, as we have stated in the past, we stand ready to take the necessary measures and to work with other States and organizations to ensure that terrorism will run out of room to hide and that it is defeated.

**The President**: The next speaker is the representative of Egypt, on whom I now call.

**Mr. Aboul Atta** (Egypt) (*spoke in Arabic*): The Security Council is meeting today to discuss one of the most serious challenges of our world today, one that threatens the security and safety of our societies: international terrorism. Despite the many successes of United Nations efforts in the area of counter-terrorism, particularly in coordinating the efforts of States with one another and with the United Nations, such efforts still need the support of the international community if we are to tighten the grip around the terrorists' throats and deprive them of any financial or political assistance.

My delegation would like to deal with some of the elements of our vision of what the Organization needs if it is to achieve its objectives efficiently and effectively.

First, our experience has shown that in our fight against terrorism, we must not be blind to the fact that it is not the product of a single culture, nor does one region have a monopoly on it. The fight against terrorism should not be limited to political and security aspects; terrorism is a multidimensional phenomenon that must be addressed comprehensively, including at the political, economic, security and legal levels. We must also deal with the conditions that some use to try to justify it.

Secondly, on the basis of our support for international efforts aimed at formulating a clear vision of counter-terrorism, Egypt has called for the holding of a high-level international conference under the auspices of the United Nations to deal with the phenomenon, which would also address the issue of a comprehensive legal definition of terrorism.

Thirdly, the most effective way to deal with terrorism is to do so within a legal framework that takes into account the principles of international law, including international humanitarian law, and the importance of distinguishing between terrorism and legitimate armed struggle. Such a framework would make the distinction between terrorist acts, which must be criminalized, and the popular expression of political demands, which are legitimate — thus paving the way for the international community to take a collective response in isolating terrorist elements and laying bare their illegitimate objectives.

Fourthly, we should underline the centrality of the role of the United Nations in coordinating international efforts to combat terrorism, emphasizing the universality of such efforts for all States, without exception. In that context, we must consider increasing and revitalizing the role of the General Assembly. The Assembly has in the past played a very important role in fighting terrorism, and we must revitalize its work in order to finalize the draft comprehensive conventions on international terrorism and on the suppression of acts of nuclear terrorism. But the General Assembly's counter-terrorism efforts go beyond the task of drafting those two conventions. Thus in our statement to the Assembly we proposed the establishment of an open-ended working group, with a view to making the Organization more efficient, effective and capable in confronting terror.

Fifthly, there can be no doubt that the Counter-Terrorism Committee has proved that it is a vital and effective tool for confronting terrorism. We reaffirm once again the role of the United Nations in dealing with international challenges. The adoption by the

Security Council of resolution 1566 (2004) gives the Committee further responsibilities. In this context, we would like to express our appreciation for the briefing by the Chairman of the CTC, in which he set out the Committee's priority work for the forthcoming period and addressed the issue of the implementation of resolution 1566 (2004).

We would like to take this opportunity to underline some of the elements that were reflected in consultations among Member States on the resolution.

First, they stressed the importance of maintaining the General Assembly's role in confronting international terrorism and dealing with sensitive matters, such as producing a clear definition of terrorism that enables the international community to deal properly with the phenomenon and not to confuse terrorism with the right to legitimate armed struggle, which is legal under international law and international instruments.

Secondly, they emphasized the importance of relying on the provisions of international conventions aimed at international cooperation, rather than at increased resort to Chapter VII of the Charter in this matter, which indicates the inability of the United Nations to adopt such measures.

Thirdly, they underlined the importance of the Committee's taking into account the provisions of international law and legal safeguards in its work.

**The President**: The next speaker inscribed is the representative of Fiji, to whom I give the floor.

**Mr. Kau** (Fiji): Fiji associates itself fully with the statement made earlier on this subject by the Permanent Representative of Samoa on behalf of the Pacific Islands Forum. We join him and millions of others throughout the world in condemning terrorism in all its forms and manifestations, and acknowledge that the heinous and despicable acts of terrorist violence that continue to be witnessed around the world today pose a serious threat to national and international security, to peaceful relations between States and to the harmonious functioning of democratic institutions worldwide.

Fiji is participating in this debate fully aware that our small island country and those of our neighbours in the Pacific region can no longer claim that distance insulates us from the direct and indirect effects of terrorism.

For those of us who hail from nations where there is a general reliance on a few commodities or a handful of products that form the backbone of our economic survival, threats that directly impact those products could have an irreversible effect on the lives of our people. A terrorist attack could potentially obliterate our tourism industry, for instance, and as we have seen in other areas of the world, it would take us an enormous time to recover. Put simply, the short-term economic and social devastation caused by a terrorist act against our small island economies would be far worse than the effect of any natural disaster recently experienced.

Regrettably, terrorism generally is often associated with a particular religion. Some of our citizens have experienced difficulties in transiting international borders because of cases of mistaken identity. This is the small price that some of our people will face as a result of our resolve to clamp down on the perpetrators of such heinous terrorist activities. In our joint effort to combat terrorism, we again call for full respect for and observance of the rule of law and all human rights and fundamental freedoms, as defined in the relevant international instruments and, where applicable, in international humanitarian law.

Fiji joins others in emphasizing the importance of the universal and full implementation of Security Council resolution 1373 (2001) and other counter-terrorism related Security Council resolutions. We also welcome the efforts that are currently being exerted to refine and improve the working methods of both the Security Council Counter-Terrorism Committee and the Security Council Committee established pursuant to resolution 1267 (1999).

We commend the Council for promulgating its latest resolution 1566 (2004) and in particular the provision for setting up a working group to consider and submit recommendations on practical measures to be imposed upon those involved in or associated with terrorist activities, other than those designated by the Al Qaeda/Taliban Sanctions Committee, including more effective procedures considered to be appropriate for bringing them to justice through prosecution or extradition, freezing of their financial assets, preventing their movement through the territories of Member States, and preventing supply to them of all types of arms and related material.

Fiji further supports the establishment of an international fund, as envisaged in resolution 1566 (2004), to compensate victims of terrorist acts and their families. Having said that, we would also like to respectfully emphasize the importance of not losing sight of our moral duty to address the legitimate grievances caused by despair, resentment, ignorance and poverty. The elimination of the root causes of terrorism requires the establishment of international relations based on sovereign equality, multilateralism and justice, the eradication of exploitation, oppression and social inequality, and the promotion of sustainable development.

In conclusion, my delegation acknowledges that regional and subregional organizations play a critical role in enhancing the effectiveness of global action against terrorism. We therefore support the call made earlier on behalf of the Pacific Islands Forum for the CTC to consider whether a Pacific regional report, submitted by the Pacific Islands Forum Secretariat on behalf of, and in close cooperation with, its member countries, might provide a possible option to assist our small island countries in meeting their reporting obligations to the CTC.

**Ms. Holguín** (Colombia) (*spoke in Spanish*): I am grateful to the Ambassador of the Russian Federation for his comprehensive presentation the Counter-Terrorism Committee's (CTC) activities. We would like to reiterate that Colombia recognizes the progress achieved by CTC. We welcome its increasingly strong promotion of global implementation of resolution 1373 (2001) on the basis of the principles of cooperation, transparency and equal treatment. We also welcome progress in terms of the structure of the Committee, the work of its Executive Director and his team, and the help given to countries wishing to implement 1373 (2001).

In this connection, Colombia would like to inform the international community that on 14 September it acceded to the International Convention for the Suppression of Terrorist Bombings, and has ratified the International Convention for the Suppression of the Financing of Terrorism. We believe that resolution 1566 (2004) adopted by the Council on 8 October renews its will to combat terrorism in all its forms. It is an important step forward in the world's struggle against terrorism by creating a working group to examine the possibility of imposing measures on persons or groups associated with terrorist activities other than those designated by the Al Qaeda/Taliban sanctions Committee.

That reiterates Colombia's position to the effect that there is only one type of terrorism, and it must by fought with equal determination everywhere. The international community's commitment to combat terrorism must be unambiguous. We reaffirm that there is only one type of terrorism. All of its victims are innocent and equal. We cannot have first and second-class types of terrorism when its effects are the same on society. Terrorism is not unfamiliar to Colombians. We suffered its deplorable effects for decades. It creates terror, undermines confidence, violates people's rights to life and security, which are recognized in the Universal Declaration of Human Rights.

Cooperation among countries to combat and eliminate the terrorist threat must be strengthened with mechanisms that make it possible to implement joint programmes and policies to strengthen the rule of law and protect society from this scourge.

Cooperation is indispensable to efforts to uncover the sources of terrorism and its physical and intellectual authors. It is necessary to prevent terrorism from finding refuge in third countries, and financial controls are important to prevent the financing of terrorist acts. Terrorism, illegal drugs, arms trafficking and transnational organized crime are all interlinked. They all create insecurity and violence. The whole world is affected by terrorism, and that is why we feel it is a common problem with no distinctions or categories. The nature of an act of terrorism is determined not only by the place in which it is committed and its global or national scope, but also by the origin of its sponsors and the money that funds it. It has been proven that the international financial networks used by terrorism are similar to those that deal in illicit drugs and illicit weapons. Our frontal attack on terrorism must include campaigns against related crimes on the basis of the principle of shared responsibility. We reiterate our support for the work of the Security Council and the CTC in the struggle against this universal scourge. Only cooperation within the international community with the legal action and police activity demanded by the resolution will succeed against terrorism.

**Mr. Stagno Ugarte** (Costa Rica) (*spoke in Spanish*): First of all, I would like to congratulate you for having convened this debate on the work of the

Security Council's Counter-Terrorism Committee exactly at the time when the General Assembly is examining international terrorism. We trust that this auspicious convergence will enable the members of the Security Council to hear the opinions of the other members of the international community as regards the direction that United Nations activities against international terrorism should take.

Counter-terrorism is one of the greatest challenges before the international community. As the Secretary-General said, "By its very nature, terrorism is an assault on the fundamental principles of law, order, human rights and the peaceful settlement of disputes upon which the United Nations is established" (S/PV.4618). That is why we categorically condemn terrorism in all its forms and manifestations, irrespective of where it happens or who its sponsors are. There is no political, philosophical, racial, ethnic or religious justification for that crime. It goes without saying that the two most important events in the last three months as regards counter-terrorism in the United Nations were the adoption of resolution 1566 (2004) and the adoption of the plan for the Executive Directorate of CTC. My delegation interprets the recent adoption by the Security Council of resolution 1566 (2004) as sending a new signal of its resolute desire to confront international terrorism. Costa Rica welcomes the sixth preambular paragraph of the resolution, where the Council reminds all States that any measure taken to combat terrorism must be consonant with international law and, in particular, human rights law, humanitarian law and the rights of refugees. We note with equal gratitude that the resolution emphasizes legal and police mechanisms to combat terrorism. Practical experience has shown us that this is precisely the type of action that is most effective in preventing international terrorism. As regards the principle of aut dedere aut judicare referred to in operative paragraph 2, we must recognize that this is not yet part of international common law. Therefore, it must be incorporated into international treaties on legal cooperation, if it is to be truly effective. Similarly, operative paragraph 3 does not meet the requirements, from a technical legal point of view, for functional definition of a crime. We understand that these two paragraphs are political statements, and not legal enactments, however, we would like to highlight that the Security Council can not carry out a task of codifying international criminal law, because that task is incumbent on the international community as a whole.

The Security Council is not a legislative body. Under the Charter, its mandate is confined to specific situations or specific disputes that endanger international peace and security. It can adopt binding measures only insofar as those measures are designed to resolve specific conflicts or deal with specific situations. The adoption of norms with general application is the prerogative of the international community as a whole, and is accomplished by negotiating treaties or through the formation of binding customary law.

We agree fully with the distinguished delegation of Brazil that there was no need to adopt those two paragraphs, under Chapter VII of the Charter. Furthermore, my delegation notes with interest the establishment of a working group to consider new, practical measures and procedures to deal with international terrorism carried out by groups that are not part of the Al Qaeda and Taliban network.

We feel it is indispensable that any measure recommended to the Council by the group be consistent with international human rights law and international humanitarian law, and in particular, the principles of due process and non-refoulement. We urge the working group to consider and adopt clear-cut guidelines so that the inclusion or exclusion of persons from the list of sanctions scrupulously respects the highest possible international standards of evidence and due process.

Similarly, we appeal to the Counter-Terrorism Committee (CTC) to promote respect for fundamental rights and guarantees as a method of preventing terrorist acts. My delegation welcomes the adoption by the Security Council on 12 August 2004 of the organizational plan of the Counter-Terrorism Executive Directorate (CTED). However, we feel that this is just a temporary measure.

Costa Rica believes that the United Nations must adopt a single permanent and centralized policy to prevent, prosecute and punish international terrorism. It is imperative that the United Nations take the lead in combating international terrorism, through the adoption of a consistent strategy that promotes multilateral coordination and multifaceted action against such crimes. It is therefore necessary to

permanently institutionalize the special and temporary provisions in Security Council resolution 1373 (2001).

It is indispensable that we integrate assistance mechanisms for States, which are now scattered among the Terrorism Prevention Branch — a subdivision of the United Nations Office on Drugs and Crime — and the Counter-Terrorism Executive Directorate. We must incorporate the work of the High Commissioner for Human Rights in the work of both the CTC and the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al Qaeda and the Taliban.

Furthermore, it is imperative that we involve all the Member States of the United Nations in defining the policies of the Organization concerning counter-terrorism, thus, returning the initiative to the General Assembly. Finally, combating terrorism must become a permanent, regular activity of the United Nations.

My delegation is convinced that the only way we can enhance United Nations action against international terrorism is by assigning the task to an impartial professional standing body situated at the core of this institution. In that context, I would like to reiterate the proposal made in the General Assembly on 21 September by the President of Costa Rica, Dr. Abel Pacheco de la Espriella, in which he proposed the establishment of a United Nations high commissioner on terrorism. His proposal is presented in a letter addressed by our Minister for Foreign Affairs to the Secretary-General, which appeared as document S/2004/758. We invite the Security Council to examine that initiative in depth.

**The President**: Thank you for that thought-provoking final intervention. That exhausts the list of speakers that I have under rule 37. I shall now give the floor to the Chairman of the Counter-Terrorism Committee, Mr. Andrey Denisov, to offer any final comments that he may wish to make.

**Mr. Denisov** (*spoke in Russian*): Distinguished members of the Security Council and participants in our discussion, first, may I express my satisfaction at the results of today's open meeting of the Security Council. I would also like to express my gratitude to all delegations who have taken part in today's discussion, and thank them for the words of support expressed with regard to the current chairmanship of the Counter-Terrorism Committee (CTC) and the work of our Committee as a whole.

We have had a very constructive and interested exchange of views and I think it is of great significance from the standpoint of further improvement of the methods of work of the Counter-Terrorism Committee. The comments made and proposals put forward in the meeting pertaining to the activities of the Counter-Terrorism Committee will be given the most careful consideration, with a view to taking them into account in the future work of the Counter-Terrorism Committee. Once again I thank all participants for the active work they have done at this meeting.

**The President**: Thank you, Ambassador Denisov. After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council,

> "The Security Council welcomes the briefing by the Chairman of the CTC on the work of the Committee.
>
> "The Security Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed.
>
> "The Security Council recalls the statement by its President on 19 July 2004 (S/PRST/2004/26), resolution 1535 (2004), which indicated the Council's intention to review the structure and activities of the CTC, and resolution 1566 (2004) emphasizing additional measures aimed at strengthening international cooperation in combating terrorism.
>
> "The Security Council invites the CTC to pursue its agenda as set out in the work programme for the CTC's thirteenth 90-day period (S/2004/820) focusing on practical measures to implement resolution 1535 (2004) on the revitalization of the Committee, including implementation of the organizational plan for the Counter-Terrorism Executive Directorate, and resolution 1566 (2004). These measures will embrace further work to increase the Committee's capacity, including through enhanced cooperation with the Al Qaeda/Taliban Sanctions Committee established pursuant to resolution 1267 (1999) and the Committee established pursuant to resolution 1540 (2004).

"The Security Council notes the importance of continuing the CTC's efforts to enhance the capabilities of Member States to combat terrorism; to identify and address the problems faced by States in implementing resolution 1373 (2001); to facilitate the provision of technical assistance adjusted to the countries' needs; to encourage the largest possible number of States to become parties to the international conventions and protocols related to counter-terrorism, and to strengthen its dialogue and cooperation with international, regional and subregional organizations acting in the areas outlined by resolution 1373 (2001).

"The Security Council invites the CTC to continue preparing and begin sending to Member States assessments of their assistance needs for eventual sharing with interested donor States and organizations, and to accelerate the preparations for the first visits to Member States, with their consent, in order to enhance the monitoring of the implementation of resolution 1373 (2001) and facilitate the provision of technical and other assistance for such implementation.

"The Security Council, recalling paragraph 7 of resolution 1566 (2004), invites the CTC to start, in consultation with relevant international, regional and subregional organizations and United Nations bodies, to develop a set of best practices to assist States in implementing the provisions of resolution 1373 (2001) related to the financing of terrorism.

"The Security Council notes that, as of 30 September 2004, 78 States had not submitted their respective reports to the CTC on time as set out in resolution 1373 (2001). It calls on them urgently to do so, in order to maintain the universality of response which resolution 1373 (2001) requires.

"The Security Council invites the CTC to continue reporting on its activities at regular intervals and expresses its intention to review the structure and activities of the CTC in January 2005."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/37.

There are no further speakers inscribed on my list. The Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 5.15 p.m.*

United Nations S/PV.5060

# Security Council

Fifty-ninth year

*Provisional*

**5060th meeting**

Friday, 22 October 2004, 10 a.m.

New York

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|---|---|---|
| *President*: | Sir Emyr Jones Parry | (United Kingdom) |
| *Members*: | Algeria | Mr. Baali |
| | Angola | Mr. Lucas |
| | Benin | Mr. Adechi |
| | Brazil | Mr. Valle |
| | Chile | Mr. Muñoz |
| | China | Mr. Wang Guangya |
| | France | Mr. De La Sablière |
| | Germany | Mr. Pleuger |
| | Pakistan | Mr. Akram |
| | Philippines | Mr. Baja |
| | Romania | Mr. Dumitru |
| | Russian Federation | Mr. Dolgov |
| | Spain | Mr. Yáñez-Barnuevo |
| | United States of America | Ms. Williamson |

## Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-56677 (E)

*The meeting was called to order at 10.15 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in the Middle East, including the Palestinian question**

**The President**: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

We will now hear a briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

**Mr. Prendergast**: It pains me to have to say yet again that there is little positive and much that is negative to report to the Security Council this month. Violence, not negotiation, continues to be the all-too-frequent mode of communication in the Middle East. There is a palpable sense of drift and foreboding — in the case of the occupied Palestinian territory, drift towards chaos. Neither side is fulfilling its obligations under the road map.

A major Israeli military operation in the Gaza Strip has resulted in the deaths of large numbers of Palestinians, including civilians and children. The Secretary-General has expressed his deep concern over those deaths and has reminded Israel that it must act in keeping with its obligations under international humanitarian law.

The terrorist attacks at Taba, Egypt, in the Sinai on the evening of 7 October were breaches of the peace in a place hitherto known as a haven for coexistence and tourism. The casualties reflect the diversity of nationalities mingling at Taba — at least 13 Israelis, six Egyptians and six Russian and Italian tourists were killed in the triple bombing.

Since my last briefing to the Council just over a month ago, 206 Palestinians and 13 Israelis have been killed and approximately 1,033 Palestinians and 62 Israelis have been injured. The number of Palestinians killed since September 2000 is now 3,839. A total of 979 Israelis have been killed over the same period. An estimated 36,433 Palestinians and 6,297 Israelis have been injured since the eruption of the intifada. Those statistics are staggering. They ought to give all of us food for thought. Are we going to go on like this? Is there not a better way?

Violence in and around the Gaza Strip sharply escalated during the reporting period. On 29 September, Qassam rockets fired from Gaza at the town of Sderot inside Israel killed two children, aged two and four. Throughout the past month, Palestinian militants continued to fire Qassam rockets at Sderot, causing minor injuries as well as damage to homes and infrastructure. The Palestinian Authority must make all efforts to stop such attacks against Israeli civilians.

In that context, on 30 September, Israel launched a major military operation in the northern Gaza Strip. A large contingent of Israeli troops entered Beit Lahiya, Beit Hanoun and the Jabaliya refugee camp. On 30 September alone, at least 35 Palestinians were killed. Seventy-two Palestinians, ranging in age from 10 to 60, were wounded by gunfire in the Jabaliya camp that day, according to hospital officials. By 15 October, when Israeli troops started redeploying, 135 Palestinians had been killed in Gaza, 114 of them in the northern part of the Strip. Some 512 Palestinians had been injured, 431 of them in northern Gaza. During the operation, on average, eight Palestinians were killed every day and 30 injured.

Many of the victims were civilians, a number of them children; at least 34 children were reported dead by 15 October. Approximately 170 children aged 18 or under had been injured. On 5 October, a 13-year-old girl died close to her school, hit by 20 bullets. On 12 October, an eleven-year-old Palestinian girl was shot and mortally injured in a United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) school in an incident reminiscent of last month's events, when a ten-year-old girl was shot in an UNRWA school classroom, also dying later from her injuries. We reiterate our call on the Government of Israel to respect its legal obligations to ensure the safety of Palestinian civilians and to refrain from the disproportionate use of force.

We also continue to be gravely concerned at the extensive destruction of civilian property, infrastructure and agricultural land in the northern Gaza Strip during the operation. Such destruction yet again raises concerns about collective punishment and helps to fuel the bloodshed.

Israel carried out a number of targeted assassinations over the past month. The Israeli human rights group B'Tselem estimates that, even before those latest extra-judicial killings, more than 150 militants had been killed in targeted assassinations by Israel since September 2000. More than 100 bystanders have been killed in such strikes. We repeat our call on the Government of Israel to halt immediately the illegal practice of extra-judicial killings and to refrain from such use of force in densely populated areas, where there is a high risk of so-called collateral damage.

At the same time, the Palestinian Authority must take decisive steps to quell the terror emanating from territory under its control. On 22 September, two Israeli border policemen were killed and some 15 Israelis wounded when an eighteen-year-old suicide bomber detonated her explosives at a busy bus stop in northern Jerusalem. The Palestinian Authority must bring those implicated in terrorist acts to justice. The Palestinian Authority must fulfil its obligations under the road map, as well as under international law, to do its utmost to prevent such attacks.

Over the past month, there has been further violence and bloodshed in the West Bank as well. Of particular concern has been the growing number of violent acts committed by Israeli settlers. We call on the Government of Israel to exert its legal authority over Israeli settlers and to bring to justice those who commit crimes against Palestinians and civilians from third countries.

United Nations agencies continue to be severely affected in their operations by Israeli restrictions on movement. During the reporting period, UNRWA was forced to suspend many of its normal operations, including the resumption of much-needed emergency food aid in the Gaza Strip. With few exceptions, since 21 September, Israeli forces have denied United Nations personnel secure and unimpeded access into Gaza, hindering the effective delivery of humanitarian aid. We reiterate our call on the Government of Israel to guarantee United Nations personnel freedom of movement and to ensure unrestricted access and the free movement of humanitarian goods and personnel into and throughout the Gaza Strip.

However, as I told the Council in my last briefing, Palestinian civilians suffer most under the movement restrictions. The full closure imposed by the Israeli authorities on the West Bank and Gaza Strip on 8 September for the Jewish high holidays remains in effect today, with no Palestinian movement at all between the occupied Palestinian territory and Israel. In addition, Palestinian men between the ages of 16 and 35 continue to be forbidden from using the Rafah terminal to Egypt — the only passage for Gazans who need to travel outside the Gaza Strip — even if they have medical documentation referring them for necessary treatment abroad.

The economy remains in tatters. Since its revitalization is crucial for the future, that remains a primary concern of the donor community, which is planning to meet later this year to discuss how best to support the Palestinian economy. Movement restrictions increased substantially during 2004. Unemployment in Gaza and in the West Bank remains high. Poverty is predicted to rise further. Food security, health standards, quality of water and sanitation, and education standards have all deteriorated.

Israel continues its policies of demolishing houses — with 166 homes destroyed since my last briefing — and of confiscating and/or levelling Palestinian land for the construction of the barrier, construction of which continues, especially around Jerusalem. We reiterate our call on Israel to abide by its legal obligations as set forth in the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15, which acknowledged the opinion and demanded that Israel comply with its legal obligations.

The Secretary-General will, within the week, send to the President of the General Assembly a letter outlining the structure and planned activities of the register of damages caused by the construction of the barrier, as called for in resolution ES-10/15. His aim will be to establish, as soon as possible, a body that will be able to examine requests and eligibility for registration, as well as to verify the facts and extent of damage and of the causal link between the construction of the barrier and the damage sustained.

I would like to say a word about peace. Even to speak in terms of a peace process seems to put one at a

distance from the present reality. Yet it remains the case that the conflict between Israelis and Palestinians can be settled only through negotiations between the parties. In the continued absence of such negotiations, the road map offers the only way forward. Implementation of the road map, which was endorsed by the Security Council in resolution 1515 (2003), would help both parties to find their way back to the negotiating table at long last.

However, here too I can offer no comfort to the Council. The Government of Israel has still not implemented its obligation to dismantle settlement outposts erected since March 2001 and to impose a settlement freeze, including as a result of natural growth, in full consistency with the road map and the Mitchell report. As the Quartet recently stated, that lack of action is a cause for concern. During 2002 and 2003, West Bank and Gaza Strip settlements received at least twice as much financial aid from the Israeli Ministry of the Interior as did other Jewish communities. Our concerns over the Government's lack of action to freeze settlements are intensified by reports that the first settlement outpost in the Gaza Strip was established recently, and that the number of new apartments sold in the West Bank and Gaza Strip rose by more than 20 per cent in the first seven months of 2004, compared to the same period during 2003. We call on Israel to meet its obligations under international law and under the road map.

For its part, the Palestinian Authority needs to take genuine, determined and sustained action to ensure that an empowered Prime Minister and cabinet can fulfil Palestinian obligations under the road map, in particular as regards an end to violence and terrorism and the reform of its security forces.

Internal unrest continues in the occupied Palestinian territory. On 12 October, military intelligence chief Moussa Arafat escaped unharmed from a car bombing against his convoy in Gaza. On 18 October, six security officials were injured, one of them seriously, as gunfights erupted between members of rival Palestinian factions. The growing number of incidents indicates that militants are increasingly bold in challenging the Palestinian Authority.

On 14 October, Palestinian Prime Minister Abu Alaa was quoted in the press as stating:

> "The security services cannot stop the chaos. There are internal problems and murders and assassination attempts and, unfortunately, until now we have not been able to control this situation, and that places a very heavy responsibility on us. The situation requires unifying all security forces through a clear and determined decision and issuing specific and clear orders".

We reiterate our call on President Arafat to move forward on the implementation of much-needed reforms. Such reform is needed not only in the security services, which have to be consolidated and should report to an empowered Interior Minister under the oversight of an effective Prime Minister, but also in other fields where reform legislation is awaiting approval by the President.

In that context, we continue to support the steps to prepare for Palestinian elections. The voter registration effort recently ended, after being extended due to the low turnout of voters and Israeli military operations. By 13 October, a total of 64.7 per cent of eligible voters in the West Bank and Gaza Strip, not including East Jerusalem, had registered.

Regrettably, Israeli movement restrictions have prevented the Central Election Commission from bringing the completed registration rolls from Gaza to its headquarters in the West Bank safely and without interference. We again urge Israel and the Palestinian Authority to cooperate towards the goal of conducting a free and credible electoral process.

At the convening of the Knesset for its winter session on 11 October, Prime Minister Sharon stated that "Israel adheres to its support of the road map, which is the only plan to enable progress towards a viable political agreement". One hopes that this statement, and not earlier reported remarks by Mr. Sharon and his associates with very different connotations, represents Israeli policy. Mr. Sharon's withdrawal initiative is now scheduled to enter the legislative process in the Knesset on 25 October, with the first reading of the related bill on the compensation package for evacuated settlers to follow on 3 November.

As the Council has been informed in successive briefings, the manner and context in which the Israeli pullout from Gaza and the northern West Bank takes place are extremely important. As the Quartet recently reiterated following its meeting in New York on 22 September, withdrawal from Gaza should be full and complete and should be undertaken in a manner

consistent with the road map. If those requirements were met, withdrawal could be a useful step towards an end to the Israeli occupation that began in 1967, by means of direct negotiations between the parties leading to the goal of two States — Israel, and a sovereign, independent, viable, democratic and territorially contiguous Palestine — living side by side in peace and security. That remains the goal. We urge the Government of Israel and the Palestinian Authority to coordinate closely preparation and implementation of the withdrawal initiative.

The Quartet expressed its deep appreciation and support for Egypt's efforts to help reform and rebuild Palestinian security services, to reach a comprehensive and lasting end to all violence and to advance the goal of security, stability and prosperity in Gaza as withdrawal is implemented. In that context, the Quartet also called on all concerned parties to engage constructively on economic aspects of Gaza and West Bank withdrawal. The postponed meeting of the Ad Hoc Liaison Committee, the prime donor coordination body, is planned to take place later in the year, and we hope it will yield tangible results in terms of alleviating the deep economic and humanitarian crisis confronting the Palestinian Authority.

Turning to the situation in southern Lebanon, we see that relative calm has prevailed along the Blue Line for just over three months. The only serious violations to have taken place during this period have come in the form of Israeli overflights. On 21 September, nine air violations involving 16 jets were recorded. On 11 October, a total of 12 air violations took place, causing sonic booms in various parts of Lebanon. Further air violations occurred on 18 and 19 October. We call on the Government of Israel to cease these violations of the Blue Line.

Despite the overall calm, certain events have served as a reminder of the continuing potential for instability. Within the area of operation of the United Nations Interim Force in Lebanon (UNIFIL), on 9 September, according to Lebanese security sources, unidentified armed elements fired one rocket from the Yaroun valley area in the general direction of Israel. The rocket, which apparently malfunctioned, landed well on the Lebanese side of the Blue Line. Lebanese authorities arrested the armed elements in question, who were reported to have had another two rockets in their possession. We commend the quick action by the Government of Lebanon and continue to urge it to exert full control over the use of force on its entire territory and to prevent all attacks from Lebanon across the Blue Line.

There have been incidents outside UNIFIL's area of operation that relate to the overall security situation. Most worrying, on 1 October, a car bomb in Beirut targeted former Minister Marwan Hamadeh's car, killing one person and injuring two, including Mr. Hamadeh. The Secretary-General issued a statement that expressed his serious concern over the incident and reiterated his abhorrence of such violent acts.

Also in relation to Lebanon, the Secretary-General has received a mandate from the Council to report to members every six months, and of course he will do so.

I regret to report again that no progress has been achieved on the Syrian-Israeli track. As I have mentioned in previous briefings, President Bashar Al-Assad has stated on a number of occasions that he stands ready to re-engage in peace negotiations with Israel. Little has come of these openings. Nevertheless, the resumption and completion of peace negotiations between Israel and Syria and the implementation of resolutions 242 (1967) and 338 (1973) are indispensable ingredients of a just, lasting and comprehensive peace in the Middle East.

At the start of this briefing, I spoke of a palpable sense of drift and foreboding. This stems from an equally pervasive sense of pessimism about the prospects in the Middle East, coupled with frustration, because the basis of a settlement — the two-State solution — is well established and enjoys strong support among both the Israeli and Palestinian publics. One hears from many quarters the argument that the time has come for a renewed commitment and effort, but that the parties cannot succeed if left to themselves. The international community's more vigorous engagement is, therefore, a vital ingredient if we want to end the violence and bring fresh hope of peace in the Middle East.

**The President**: I thank Mr. Prendergast for his comprehensive briefing.

Now, in accordance with the understanding reached in the Council's prior consultations, I would like to invite Council members to informal consultations to continue discussion of this subject.

*The meeting rose at 10.40 a.m.*

United Nations S/PV.5061

# Security Council

Fifty-ninth year

*Provisional*

**5061**st meeting

Friday, 22 October 2004, 1.15 p.m.

New York

| | | |
|---|---|---|
| *President*: | Sir Emyr Jones Parry | (United Kingdom) |
| *Members*: | Algeria | Mr. Benmehidi |
| | Angola | Mr. Gaspar Martins |
| | Benin | Mr. Zinsou |
| | Brazil | Mr. Tarrisse da Fontoura |
| | Chile | Mr. Donoso |
| | China | Mr. Cheng Jingye |
| | France | Mr. Poirier |
| | Germany | Mr. Delfs |
| | Pakistan | Mr. Akram |
| | Philippines | Mr. Baja |
| | Romania | Mr. Dumitru |
| | Russian Federation | Mr. Denisov |
| | Spain | Mr. Yáñez-Barnuevo |
| | United States of America | Mr. Olsen |

## Agenda

The situation in Cyprus

Report of the Secretary-General on the United Nations operation in Cyprus (S/2004/756)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-56683 (E)

*The meeting was called to order at 1.15 p.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in Cyprus**

**Report of the Secretary-General on the United Nations operation in Cyprus (S/2004/756)**

**The President**: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations operation in Cyprus contained in document S/2004/756. Members also have document S/2004/829, which contains the text of a draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

I should like to inform the Council that, in my capacity as President of the Council, I met this morning with the representatives of the parties, who confirmed to me that maintain their well-known positions vis-à-vis the item on the Council's agenda. On the basis of those meetings, as President and with the consent of the members of the Council, I draw the conclusion that the Council can proceed to take a decision on the draft resolution before it.

If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

*A vote was taken by show of hands.*

*In favour*:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

**The President**: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1568 (2004).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

**Mr. Olsen** (United States of America): The United States voted in favour of this resolution because it endorses the Secretary-General's recommendation for a 30 per cent force-level reduction, as well as his intention to conduct a further review of the mandate, force levels and concept of operations of the United Nations Peacekeeping Force in Cyprus (UNFICYP), continuing to take into account developments on the ground and the views of the parties prior to the next UNFICYP renewal. This resolution is an important first step in the ongoing examination of UNFICYP.

As we have noted, resources for peacekeeping operations are under strain as the demand for United Nations peacekeeping has risen significantly in recent years. Accordingly, we welcome the resolution's support for the Secretary-General's request for further voluntary contributions to UNFICYP from other countries and organizations.

We note in addition the Secretary-General's assessment that a recurrence of fighting in Cyprus is increasingly unlikely, with the emphasis of UNFICYP's activity moving towards liaison, observation and mediation rather than the deployment of forces to prevent the recurrence of fighting and maintain the status quo.

We also note that the Secretariat team that conducted the review of UNFICYP sought the views of the Greek Cypriot and Turkish Cypriot sides about the situation on the ground and the Secretary-General's observation that both sides, as well as the guarantor Powers, shared the view that under current conditions UNFICYP should remain in Cyprus beyond 15 December 2004.

My delegation would also like to take this opportunity to reaffirm our support for the Secretary-General's report on his mission of good offices in Cyprus (*S/2004/437*). We agree with the report that the way ahead to a settlement is for the Greek Cypriots to articulate with clarity and finality the concerns they have indicated regarding implementation of the settlement plan and its security provisions. We continue to support that report's assessment that Turkey and the Turkish Cypriots have done everything possible to reach a Cyprus settlement. We also appreciate Greece's support

for the Secretary-General's effort, including, specifically, for his final settlement plan.

We reaffirm our support for the Secretary-General's recommendation in paragraph 93 of the good offices mission report that, "not for the purpose of affording recognition or assisting succession", the Security Council should encourage all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development. We concur with the Secretary-General's assessment that such a move would be consistent with Security Council resolutions 541 (1983) and 550 (1984).

We regret that to date the Council has not endorsed the Secretary-General's report on his mission of good offices in Cyprus, and we look forward to Council action in that regard.

I would also note that it is the policy of the United States Government to ensure that members of the armed forces of the United States of America participating in United Nations peace operations are protected from criminal prosecution or other assertion of jurisdiction by the International Criminal Court, including through the possible inclusion of express provisions providing such protection.

**Mr. Akram** (Pakistan): Pakistan has voted in favour of the resolution, and the reasons for our support are the following. The resolution endorses the Secretary-General's recommendations for the amendment of the concept of operations and force level of United Nations Peacekeeping Force in Cyprus (UNFICYP). Secondly, the resolution decides to extend the mandate of UNFICYP in accordance with the recommendations of the Secretary-General and the wishes of all the parties concerned.

However, the resolution did not take stock of three important elements, which flow from the radically changed situation on the ground.

First, it fails to respond to the Secretary-General's good offices mission report (*S/2004/437*) issued in May 2004. That report called on the Council members to "give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development" (*ibid., para. 93*).

Secondly, it singles out a single resolution in operative paragraph 1, which, in view of the transformed situation on the island, is not necessary.

Thirdly, paragraph 43 of the Secretary-General's report (*S/2004/756*), on amendments in the concept of operations and the force level of UNFICYP, indicates that his review team has consulted with all relevant parties on the island, as well as the guarantor Powers, on the concept and proposal to extend the mandate of UNFICYP. That reality was not mentioned in the fourth preambular paragraph of the resolution.

I wish to reiterate our unreserved support for all multilateral and bilateral initiatives and endeavours seeking a final and comprehensive settlement of the Cyprus problem, a settlement that is based on consensus, justice and equity.

**Mr. Denisov** (Russian Federation) (*spoke in Russian*): The Russian Federation supported the adoption of the Security Council resolution extending the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP) until 15 June 2004.

That operation continues to play an important role in maintaining stability and security on the island of Cyprus. We agreed with the recommendations of the Secretary-General regarding changes to the concept of operations and the force level, taking into account the fact that those changes reflect the situation in security terms on the island and will not harm the activities of the United Nations armed forces in carrying out their mandate.

The Russian Federation continued to help in a lasting settlement in Cyprus, in accordance with Security Council resolutions, in particular resolution 1251 (1999) and other decisions of the Security Council.

We agree on the importance of establishing a favourable environment for the renewal of the negotiation process, including through economic relations between the two Cypriot communities. In that regard, we must strictly observe the provisions of Security Council resolutions 541 (1983) and 550 (1984).

**The President**: I shall now make a statement in my capacity as the representative of the United Kingdom.

The United Kingdom welcomes the adoption of this resolution. The text rightly reflects the changing

situation on the ground, which is in no small part due to the work of the United Nations Peacekeeping Force in Cyprus (UNFICYP), as well as the offices of the Secretary-General and his good offices team. We also recognize the part played by the guarantor Powers and the parties on the island.

The resolution provides for the implementation of the Secretary-General's recommendations for the downsizing and reconfiguration of UNFICYP and also provides for a further comprehensive review before the next mandate. The resolution focuses only on the narrow issue of the future of UNFICYP. There is, of course, the wider question of the future of the settlement process. The Secretary-General has produced a good report, which the United Kingdom fully supports.

The Council will need to come back to the continuing search for a settlement, in the light of developments. We are disappointed that, having voted for a settlement in April, Turkish Cypriots have so far seen little benefit. We remain committed to ending the isolation of the Turkish Cypriots and to reducing the economic gap between the two communities. We believe this to be a key element of keeping alive the prospect of a reunification.

I now resume my function as President of the Council.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 1.30 p.m.*

United Nations S/PV.5062

Security Council

Distr.: General
25 October 2004

Original: English

# Official communiqué of the 5062nd (closed) meeting of the Security Council

## Held in private at Headquarters, New York, on Monday, 25 October 2004, at 3.10 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 25 October 2004, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 5062nd meeting in private with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara (MINURSO).

"The Security Council and the troop-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Alvaro de Soto, Special Representative of the Secretary-General for Western Sahara.

"Members of the Council, Mr. de Soto and representatives of participating troop-contributing countries had a constructive exchange of views."

04-57095 (E) 251004

United Nations S/PV.5063

# Security Council

Fifty-ninth year

*Provisional*

**5063**rd meeting

Tuesday, 26 October 2004, 10 a.m.

New York

| | | |
|---|---|---|
| *President:* | Sir Emyr Jones Parry | (United Kingdom) |
| *Members:* | Algeria | Mr. Baali |
| | Angola | Mr. Antonio |
| | Benin | Mr. Adechi |
| | Brazil | Mr. Valle |
| | Chile | Mr. Andereya |
| | China | Mr. Wang Guangya |
| | France | Mr. Serman |
| | Germany | Ms. Gross |
| | Pakistan | Mr. Khalid |
| | Philippines | Mr. Baja |
| | Romania | Mr. Dumitru |
| | Russian Federation | Mr. Karasev |
| | Spain | Mr. Yáñez-Barnuevo |
| | United States of America | Mr. Danforth |

## Agenda

Security Council meetings in Nairobi (18-19 November 2004)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-57148 (E)

*The meeting was called to order at 10.10 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**Security Council meetings in Nairobi (18-19 November 2004)**

**The President**: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/857, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

*A vote was taken by show of hands.*

*In favour*:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

**The President**: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1569 (2004).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 10.15 a.m.*

United Nations S/PV.5064

# Security Council

Fifty-ninth year

*Provisional*

## 5064th meeting

Tuesday, 26 October 2004, 1 05 p.m.
New York

| | | |
|---|---|---|
| *President:* | Sir Emyr Jones Parry | (United Kingdom) |
| *Members:* | Algeria | Mr. Benmehidi |
| | Angola | Mr. Gaspar Martins |
| | Benin | Mr. Zinsou |
| | Brazil | Mr. Tarrisse da Fontoura |
| | Chile | Mr. Landerretche |
| | China | Mr. Cheng Jingye |
| | France | Mr. Poirier |
| | Germany | Mr. Von Ungern-Sternberg |
| | Pakistan | Mr. Akram |
| | Philippines | Mr. Baja |
| | Romania | Mr. Dumitru |
| | Russian Federation | Mr. Denisov |
| | Spain | Mr. Oyarzún |
| | United States of America | Mr. D'Elia |

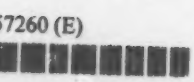
## Agenda

The situation in Somalia

Report of the Secretary-General on the situation in Somalia (S/2004/804)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-57260 (E)



*The meeting was called to order at 1.05 p.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in Somalia**

**Report of the Secretary-General on the situation in Somalia (S/2004/804)**

**The President**: I should like to inform the Council that I have received a letter from the representative of Somalia, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. Abdi (Somalia), took a seat at the Council table.*

**The President**: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/804, which contains the report of the Secretary-General on the situation in Somalia.

After consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council reaffirms its previous resolutions and the statements of its President concerning the situation in Somalia, in particular resolution 1558 (2004) of 17 August 2004 and the statement by its President (S/PRST/2004/24) dated 14 July 2004.

"The Security Council reiterates its commitment to a comprehensive and lasting settlement of the situation in Somalia, and its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, consistent with the purposes and principles of the Charter of the United Nations.

"The Security Council commends the recent progress made at the Somali National Reconciliation Conference in Nairobi, including the establishment of the Transitional Federal Parliament of Somalia and the subsequent election of the Speaker of the Parliament and Transitional President, which are important steps towards the re-establishment of peace and stability in Somalia.

"The Security Council, underscoring the importance of consolidating the gains made so far, looks forward to the formation, in the near future, of a Transitional Federal Government inside Somalia, capable of beginning reconciliation and reconstruction in a spirit of consensus and dialogue with all the Somali parties.

"The Security Council, in this regard, encourages the Transitional Federal Parliament and the President to take further steps to select a Prime Minister and an efficient and effective Cabinet, and to develop a preliminary programme of action and timetable for the transitional period. The Council urges the transitional federal institutions to involve women fully in post-conflict reconciliation and reconstruction. The Council also notes the ongoing discussion to outline possible coordination mechanisms between the transitional federal government and the international community.

"The Security Council commends member States of the Intergovernmental Authority on Development (IGAD), in particular the Government of Kenya, as well as other countries and organizations for constructively supporting the Somali national reconciliation process for the past two years, and encourages them to continue their efforts in support of the cause of peace in Somalia.

"The Security Council welcomes and expresses its support for the commitment of the African Union to assist the transitional process in Somalia, in particular through planning for a peace support mission to Somalia, including options for disarmament, demobilization and reintegration, and encourages the international donor community to contribute to these efforts.

"The Security Council further welcomes the efforts of the United Nations Political Office, the United Nations country team, the Somalia Aid Coordination Body, the European Union, the IGAD Partners Forum, the League of Arab States and others engaged in developing a peace-building framework leading to the formation of a rapid assistance package and calls on the international community to support this package, as well as emergency rehabilitation and economic development programmes, as security returns to Somalia.

"The Security Council shares the Secretary-General's assessment that, 'at this stage of progress in the Somali peace process, there will likely be a call for an expanded peace-building role and presence for the United Nations, in order that it may assist the Somali parties in implementing their agreement. At the same time, it is clear that any enhanced role for the Organization in Somalia must be incremental, and should be based on the outcome of discussions with the new government.' The Security Council looks forward to the Secretary-General's recommendations in this regard.

"The Security Council urges the Somali leaders to create a favourable environment for the future transitional federal government by making determined efforts to bring about improvements in the security situation on the ground and reiterates that those who persist on the path of confrontation and conflict will be held accountable. The Council will continue to monitor the situation closely."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/38.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 1.15 p.m.*

United Nations S/PV.5065

# Security Council

Fifty-ninth year

*Provisional*

**5065**th meeting

Wednesday, 27 October 2004, 10 a.m.

New York

| | | |
|---|---|---|
| *President:* | Sir Emyr Jones Parry | (United Kingdom) |
| *Members:* | Algeria | Mr. Baali |
| | Angola | Mr. Constantino |
| | Benin | Mr. Adechi |
| | Brazil | Mr. Sardenberg |
| | Chile | Mr. Rojas |
| | China | Mr. Zhang Yishan |
| | France | Mr. De La Sablière |
| | Germany | Mr. Pleuger |
| | Pakistan | Mr. Akram |
| | Philippines | Mr. Baja |
| | Romania | Mr. Dumitru |
| | Russian Federation | Mr. Denisov |
| | Spain | Mr. Yáñez-Barnuevo |
| | United States of America | Mr. Olson |

## Agenda

The situation in the Great Lakes region

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-57403 (E)

*The meeting was called to order at 10.15 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in the Great Lakes region**

**The President**: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ibrahima Fall, Special Representative of the Secretary-General for the Great Lakes Region.

It is so decided.

I invite Mr. Fall to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I now call on Mr. Ibrahima Fall, Special Representative of the Secretary-General for the Great Lakes Region.

**Mr. Fall** (*spoke in French*): On 20 November 2003, the Security Council held a meeting (see S/PV.4865) to consider the report of the Secretary-General on preparations for an international conference on the Great Lakes region (S/2003/1099). There have been many developments since that meeting took place. A fact sheet in that regard has been sent to members of the Council, and I will therefore not describe the various events in detail. The fact sheet is helpful, in that I believe that the Council has allotted me 15 minutes to brief it on the current situation. I shall confine my comments to those 15 minutes.

It is just less than a month until the first meeting of heads of State or Government in the context of the International Conference on the Great Lakes Region. The summit is to be held at Dar es Salaam on 19 and 20 November. By fortunate coincidence, the Security Council will be holding a particularly important meeting in Africa at the same time, on the subject of the Sudan. Thus, in the course of that one week, Africa will be given very special attention.

The Dar es Salaam summit will be followed in 2005 by a second and final summit in the context of the International Conference on the Great Lakes Region. After the second summit, an agreement on security, stability and development in the Great Lakes region will be adopted. The agreement will have two constituent parts. The first will be the Dar es Salaam declaration, which is expected to be adopted at the first summit, describing the general framework, the political options and the guidelines and directives offered by the International Conference on the Great Lakes Region. The second part will contain protocols and programmes of action, which will be prepared between the two summits by a ministerial committee at the request of the Dar es Salaam summit.

We are now at the stage of preparing the declaration. Since the Security Council's last meeting on this issue, we have been holding preparatory meetings at the regional level, in three different settings. First of all, the Regional Preparatory Committee, made up of representatives of national preparatory committees, met at Bujumbura and at Kinshasa, and it will meet from 8 to 10 November in Kampala.

Afterward, special regional meetings have been held to enable three specific categories of society to offer their particular input to the preparatory process. These were the women's regional meeting in Kigali, the young people's regional meeting in Kampala and the non-governmental organization regional meeting in Arusha.

Finally, other special meetings, organized by religious organizations, trade unions and parliamentarians, have enabled sectoral input to the preparatory process, which is designed to be an inclusive one.

That entire process has given rise to ideas and suggestions for the regional preparatory meeting. It is on the basis of those ideas and suggestions that an initial draft text of the Dar es Salaam declaration was considered in Kinshasa and will be finalized in Kampala before being submitted to a meeting of foreign ministers to be held on 16 and 17 November in Dar es Salaam, just before the summit.

This inclusive regional preparatory process has yielded some results, the first of which is of a political nature. There has been a geographical broadening among countries participating in the International

Conference on the Great Lakes Region. We moved from six to seven at the time of the 20 November 2003 Security Council meeting, and now there are 11, with the addition of Angola, the Republic of the Congo, the Central African Republic and the Sudan. This enlargement is very important in ensuring the consistency and unity of the Conference, because our goal from the start was to bring together everybody, whether they affected or were affected by the situation in the Great Lakes region.

The second result has been the trend towards common positions on the part of all of the countries. At the beginning of the regional process, there were some questions that were particularly delicate, not to say the object of confrontation. Now, two regional meetings have been held, and we are moving towards consensus, even on the most delicate issues.

The third result has been the emergence of a number of priority areas. The Conference itself is built on four priority areas: peace and security; governance and democracy; economic development and regional integration; and social and humanitarian issues. However, we can identify several priority areas that transcend these four categories.

The first is education for peace, tolerance, multiculturalism and democratic values. This is along the lines of the preamble to the constitution of the United Nations Educational, Scientific and Cultural Organization, which reminds us that "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed". Education for peace is thus crucial to a region that has suffered such upheaval because of war.

Secondly, on the social level, there is the fight against endemic and pandemic diseases. AIDS affects all of Africa, but more specifically the Great Lakes region. This is true also of malaria and tuberculosis. Epidemic and pandemic diseases require a multidimensional approach taking into account not just health issues, but also the social, political and security dimensions.

The third is the centralization of women's rights and their role in peace and security of course, but also in governance and democracy and in promoting economic development.

The fourth area is the promotion of joint strategies and policies in the priority sector of the Conference's four themes.

Finally, the fifth area is that of returning to the borders in the Great Lakes region their natural purpose. This goes beyond providing administrative and political separation lines between two States. Borders must become a framework for political, economic and social cooperation in order to lay the foundations for peace.

I have mentioned just a few points that have emerged from the preparatory process, but let me also mention the dynamic of the preparatory process. It is one of inclusion, in which the United Nations is involved through all its relevant departments, programmes and specialized agencies. The African Union, the subregional organizations and development partners — through the Group of Friends of the Great Lakes, headed by Canada and the Netherlands — are also involved, as is civil society in the various countries.

Finally, as concerns the various sectors — peace and security; governance and democracy; economic development and regional integration; and humanitarian and social issues — in the light of the two Regional Preparatory Committee meetings that have been held, we see a number of sectors to which I would like to refer.

Under peace and security, there are a number of sectors: education for peace; a joint management strategy for border issues; the involvement of social actors in the prevention, management and settlement of conflicts and reconstruction; common strategies to combat crime; regional mechanisms for non-aggression and for the implementation of disarmament, demobilization and reintegration programmes; and political mechanisms for combating sexual violence and for combating crime in general.

Turning to the issues of democracy and governance, the priority sectors for democracy appear to be, first, the promotion and protection of human rights in the three main areas of education, monitoring and sanctions; secondly, multicultural education; and, thirdly, the institutionalization of rights and of the role of women in government. Priority areas in the area of governance include the rule of law and the criminalization of divisive and corrupt policies and practices.

In the domain of economic development and regional integration, the main issue is, first and foremost, that the Great Lakes region needs to be considered as an economically integrated region with clearly developed strategies for transport, telecommunications, agriculture and electrical power supply. There is also a need to promote food self-sufficiency. Finally, the Great Lakes region should be designated as a special reconstruction zone so that the international community can establish an economic and social development fund for the region; this is reminiscent of what was done in Europe following the Second World War.

Turning to social and humanitarian matters, the main areas of concern are: demining; refugees; natural disasters; pandemic and epidemic AIDS, malaria and tuberculosis; and education for peace and tolerance.

The Dar es Salaam summit is to conclude with the adoption of a declaration which will also incorporate a follow-up mechanism. An inter-ministerial committee will be set up tasked — in the interim between summits — with creating a programme of action and a protocol to implement the Dar es Salaam declaration. Finally, in the light of that protocol and programme of action the stage will be set for the Nairobi summit to be held in 2005.

**The President**: I thank the Special Representative for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I should like to invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 10.35 a.m.*